

## Extra Ordinary Part - IV / 2020

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Extra No.2	26-03-2020	Legislative & Parliamentary Affairs Department
Extra No.3	26-03-2020	Legislative & Parliamentary Affairs Department
Extra No.4	08-04-2020	Legislative & Parliamentary Affairs Department
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Extra No.24	09-10-2020	Legislative & Parliamentary Affairs Department
Extra No.25	12-10-2020	Legislative & Parliamentary Affairs Department
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Extra No.28	15-10-2020	Legislative & Parliamentary Affairs Department
Extra No.29	10-11-2020	Legislative & Parliamentary Affairs Department



# The Gujarat Government Gazette

EXTRAORDINARY  
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MONDAY, MARCH 16, 2020/ PHALGUNA 26, 1941

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

## PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 16<sup>th</sup> March, 2020 is hereby published for general information.

**K. M. LALA,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 1 OF 2020.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 16<sup>th</sup> March, 2020).

### AN ACT

to authorize payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the Services of the financial year ending on the thirty-first day of March, 2020.

It is hereby enacted in the Seventy-First Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat (Supplementary) Appropriation Act, 2020. Short title.

Issue of  
₹ 94, 56, 21, 60, 000/-  
from and out of  
the Consolidated  
Fund of the  
State of Gujarat  
for the financial  
year 2019-2020.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum Nine thousand four hundred fifty-Six crore twenty-one lakh sixty thousands rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2020, in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation.

3. The sums authorized to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

### SCHEDULE

(See sections 2 and 3)

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
1	Agriculture and Co-operation Department	Revenue	11961000	0	11961000
2	Agriculture	Revenue	10068931000	0	10068931000
4	Animal Husbandry and Dairy Development	Revenue	0	2350000	2350000
9	Education	Revenue	19484764000	5000000	19489764000
10	Other expenditure pertaining to Education Department	Revenue	306000	0	306000
13	Energy Projects	Revenue	4539401000	0	4539401000
		Capital	1000	0	1000
14	Other expenditure pertaining to Energy and Petro- Chemicals Department	Revenue	2390000	0	2390000
18	Pension and other Retirement Benefits.	Revenue	0	20000000	20000000
19	Other expenditure pertaining to Finance Department	Capital	823000	0	823000
20	Repayment of debt pertaining to Finance Department and its servicing	Revenue	0	7965855000	7965855000
		Capital	0	637523000	637523000
26	Forest	Revenue	1000	3469000	3470000
27	Environment	Revenue	43659000	0	43659000
29	Governor	Revenue	0	1000	1000
30	Council of Ministers	Revenue	19260000	0	19260000
31	Election	Revenue	1000	0	1000
		Capital	110299000	0	110299000
32	Public Service Commission	Revenue	27441000	77855000	105296000
34	Economic Advice and Statistics	Revenue	15239000	0	15239000
35	Other expenditure pertaining to General Administration Department	Capital	15416000	0	15416000
36	State Legislature	Revenue	16891000	0	16891000
39	Medical and Public Health	Revenue	1399674000	0	1399674000
40	Family Welfare	Revenue	678637000	0	678637000
		Capital	49900000	0	49900000

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
41	Other expenditure pertaining to Health and Family Welfare Department	Capital	1000000	0	1000000
43	Police	Revenue	4978000	0	4978000
46	Other expenditure pertaining to Home Department	Revenue	0	788000	788000
49	Industries	Revenue	6844960000	0	6844960000
50	Mines and Minerals	Revenue	1176842000	500000	1177342000
55	Other expenditure pertaining to Information and Broadcasting Department	Revenue	37413000	151000	37564000
58	Other expenditure pertaining to Labour and Employment Department	Capital	293000	0	293000
59	Legal Department	Revenue	1000	0	1000
60	Administration of Justice	Revenue	2000	1000	3000
66	Irrigation and Soil Conservation	Revenue	0	32580000	32580000
		Capital	0	800000000	800000000
68	Other expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	0	900000000	900000000
71	Rural Housing and Rural Development	Capital	25777000	0	25777000
74	Transport	Revenue	0	1253000	1253000
75	Other expenditure pertaining to Ports and Transport Department	Revenue	112408000	3558000	115966000
79	Relief on account of Natural Calamities	Revenue	24808773000	0	24808773000
81	Compensation and Assignments	Revenue	300000	491000	791000
82	Other expenditure pertaining to Revenue Department	Revenue	12400000	0	12400000
84	Non-Residential Buildings	Revenue	0	1000	1000
		Capital	0	137000	137000
86	Roads and Bridges	Revenue	0	118640000	118640000
		Capital	1986299000	170000000	2156299000
88	Other expenditure pertaining to Roads and Buildings Department	Revenue	18401000	1600000000	1618401000
		Capital	0	107514000	107514000
95	Scheduled Castes sub-plan	Revenue	4000	0	4000
96	Tribal Area sub-plan	Revenue	2000	0	2000
		Capital	2000	0	2000
98	Youth Services and Cultural Activities	Revenue	1000	0	1000
101	Urban Housing	Revenue	0	79920000	79920000
102	Urban Development	Revenue	10194401000	0	10194401000
104	Other expenditure pertaining to Urban Development and Urban Housing Department	Revenue	450000	0	450000

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
106	Other expenditure pertaining to Women and Child Development Department	Revenue	1000	0	1000
		Capital	324004000	0	324004000
107	Climate Change Department	Revenue	866000	0	866000
	Total:	Revenue	79520759000	10812413000	90333172000
		Capital	2513814000	1715174000	4228988000
	Grand Total:		82034573000	12527587000	94562160000

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

## PART IV

**Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 24<sup>th</sup> March, 2020 is hereby published for general information.

**K. M. LALA,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 2 OF 2020.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 26<sup>th</sup> March, 2020).

### AN ACT

Further to amend the Gujarat Electricity Duty Act, 1958.

It is hereby enacted in the Seventy-First Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Electricity Duty (Amendment) Act, 2020.

**Short title and  
commencement.**

(2) It shall come into force on the 1<sup>st</sup> April, 2020.

**Amendment  
of section 3 of  
Bom. XL of  
1958.**

**2.** In the Gujarat Electricity Duty Act, 1958 (hereinafter referred to as “the principal Act”), in section 3, in sub-section (2), -

**Bom. XL  
of 1958.**

- (i) in clause (vii), in the *Explanation*, in clause (b), the words “a building” shall be deleted;
- (ii) in clause (viii), in the *Explanation*, in clause (b), the words “ a building” shall be deleted.

**Amendment  
of Schedule I  
to Bom. XL  
of 1958.**

**3.** In the principal Act, in Schedule-I, in Part I, in item (4), in column 3, for the figures and words “25 per cent. of consumption charges”, the figures and words “20 per cent. of consumption charges” shall be substituted.

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made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 24<sup>th</sup> March, 2020 is hereby published for general information.

**K. M. LALA,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### **GUJARAT ACT NO. 3 OF 2020.**

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 26<sup>th</sup> March, 2020).

### **AN ACT**

to authorize payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the Services of the financial year ending on the thirty-first day of March, 2021.

It is hereby enacted in the Seventy-First Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Appropriation Act, 2020.

Short title.

Withdrawal of  
₹ 21,72,87,23,56,000/-  
from and out of  
the Consolidated  
Fund of the  
State of Gujarat  
for the financial  
year 2020-2021.

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of two lakhs seventeen thousand two hundred eighty-seven crore twenty-three lakh fifty-six thousands rupees towards defraying the several charges which will come in course of payment during the financial year 2020-21 in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation.

3. The sums authorized to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

**SCHEDULE****(See sections 2 and 3)**

Demand No. Vote/ Appropriation	Services and purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
1	Agriculture and Co-operation Department	Revenue	181476000	0	181476000
2	Agriculture	Revenue	38088940000	0	38088940000
		Capital	1000000000	0	1000000000
3	Minor Irrigation, Soil Conservation and Area Development.	Revenue	318064000	0	318064000
		Capital	300000	0	300000
4	Animal Husbandry	Revenue	8854440000	0	8854440000
5	Co-operation	Revenue	12100075000	0	12100075000
		Capital	986801000	0	986801000
6	Fisheries	Revenue	4187908000	0	4187908000
		Capital	1500000000	0	1500000000
7	Other expenditure pertaining to Agriculture and Co-operation Department.	Capital	2000	0	2000
8	Education Department	Revenue	119583000	0	119583000
9	Education	Revenue	287444666000	2454100000	289898766000
		Capital	5527822000	0	5527822000
10	Other expenditure pertaining to Education Department	Revenue	16854000	0	16854000
		Capital	460001000	0	460001000
11	Energy and Petro-Chemicals Department	Revenue	77849000	0	77849000
12	Tax collection charges (Energy and Petro-Chemicals Department)	Revenue	238400000	0	238400000
13	Power Projects	Revenue	91628682000	0	91628682000
		Capital	31178509000	0	31178509000
14	Other expenditure pertaining to Energy and Petro-Chemicals Department	Revenue	11400000	0	11400000
		Capital	10876600000	0	10876600000
15	Finance Department	Revenue	219349000	0	219349000
16	Tax Collection Charges (Finance Department)	Revenue	3491150000	0	3491150000
17	Treasury and Accounts Administration	Revenue	2065006000	0	2065006000

Demand No. Vote/ Appropriation	Services and purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
18	Pension and other Retirement Benefits	Revenue	118302005000	130000000	118432005000
19	Other expenditure pertaining to Finance Department	Revenue	95942331000	0	95942331000
		Capital	3500000	1000	3501000
20	Repayment of Debt pertaining to Finance Department and its Servicing	Revenue	0	227161723000	227161723000
		Capital	0	178846920000	178846920000
21	Food, Civil Supplies and Consumer Affairs Department.	Revenue	575548000	0	575548000
22	Civil Supplies	Revenue	8486007000	0	8486007000
23	Food	Revenue	655743000	0	655743000
		Capital	748200000	0	748200000
24	Other expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	2000	0	2000
25	Forests and Environment Department	Revenue	98992000	0	98992000
26	Forests	Revenue	8275497000	6000000	8281497000
		Capital	5550378000	0	5550378000
27	Environment	Revenue	314751000	0	314751000
28	Other expenditure pertaining to Forest and Environment Department.	Capital	2225000	0	2225000
29	Governor	Revenue	0	90545000	90545000
30	Council of Ministers	Revenue	58670000	0	58670000
31	Elections	Revenue	1303837000	0	1303837000
		Capital	1000	0	1000
32	Public Service Commission	Revenue	135753000	325915000	461668000
33	General Administration Department	Revenue	1199345000	0	1199345000
34	Economic Advice and Statistics	Revenue	1111862000	0	1111862000
35	Other expenditure pertaining to General Administration Department	Revenue	285203000	3323000	288526000
		Capital	10693600000	0	10693600000
36	State Legislature	Revenue	508896000	4860000	513756000

Demand No. Vote/ Appropriation	Services and purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
37	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital	2900000	0	2900000
38	Health and Family Welfare Department	Revenue	145513000	0	145513000
39	Medical and Public Health	Revenue	62739461000	0	62739461000
		Capital	8504780000	0	8504780000
40	Family Welfare	Revenue	23396627000	0	23396627000
		Capital	101600000	0	101600000
41	Other expenditure pertaining to Health and Family Welfare Department	Revenue	0	2700000	2700000
		Capital	2000000	0	2000000
42	Home Department	Revenue	199558000	0	199558000
43	Police	Revenue	58334010000	0	58334010000
44	Jails	Revenue	1949774000	0	1949774000
45	State Excise	Revenue	197477000	0	197477000
46	Other expenditure pertaining to Home Department.	Revenue	4787875000	5001000	4792876000
		Capital	8320899000	0	8320899000
47	Industries and Mines Department.	Revenue	198891000	0	198891000
48	Stationery and Printing	Revenue	714230000	0	714230000
		Capital	26600000	0	26600000
49	Industries	Revenue	47590406000	0	47590406000
		Capital	8831568000	0	8831568000
50	Mines and Minerals	Revenue	2496972000	0	2496972000
		Capital	78100000	0	78100000
51	Tourism	Revenue	1347812000	0	1347812000
		Capital	4380000000	0	4380000000
52	Other expenditure pertaining to Industries and Mines Department	Revenue	1003430000	60000	1003490000
		Capital	509950000	0	509950000
53	Information and Broadcasting Department	Revenue	14000000	0	14000000
54	Information and Publicity	Revenue	1299599000	0	1299599000
55	Other expenditure pertaining to Information and Broadcasting Department	Revenue	100000000	0	100000000
		Capital	1000000	0	1000000

Demand No. Vote/ Appropriation	Services and purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
56	Labour and Employment Department	Revenue	253090000	0	253090000
57	Labour and Employment	Revenue	9965067000	0	9965067000
		Capital	7200000000	0	7200000000
58	Other expenditure Pertaining to Labour and Employment Department	Capital	170000	0	170000
59	Legal Department	Revenue	165564000	0	165564000
60	Administration of Justice	Revenue	9954664000	1630076000	11584740000
61	Other Expenditure pertaining to Legal Department	Revenue	875280000	0	875280000
		Capital	4500000	0	4500000
62	Legislative and Parliamentary Affairs Department	Revenue	85283000	0	85283000
63	Other expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	2000	0	2000
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	197325000	0	197325000
65	Narmada Development Scheme	Capital	45999970000	0	45999970000
66	Irrigation and Soil Conservation	Revenue	13435241000	0	13435241000
		Capital	43171991000	1000000000	44171991000
67	Water Supply	Revenue	2139200000	0	2139200000
		Capital	31900000000	0	31900000000
68	Other expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department.	Revenue	0	2000000000	2000000000
		Capital	2100000	0	2100000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	100525000	0	100525000
70	Community Development	Revenue	34334215000	0	34334215000
71	Rural Housing and Rural Development	Revenue	24846562000	4506256000	29352818000
		Capital	27111000	0	27111000
72	Compensation and Assignments	Revenue	1407819000	0	1407819000

Demand No. Vote/ Appropriation	Services and purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
73	Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	8561720000	0	8561720000
		Capital	13100000	0	13100000
74	Transport	Revenue	6331927000	0	6331927000
		Capital	5242550000	0	5242550000
75	Other expenditure pertaining to Ports and Transport Department	Revenue	709085000	0	709085000
		Capital	200102000	0	200102000
76	Revenue Department	Revenue	391775000	0	391775000
77	Tax collection charges (Revenue Department)	Revenue	3278040000	100000	3278140000
78	District Administration	Revenue	5993504000	0	5993504000
79	Relief on account Natural Calamities	Revenue	27522301000	0	27522301000
		Capital	1629852000	0	1629852000
80	Dang District	Revenue	580288000	0	580288000
81	Compensation and Assignment	Revenue	3010804000	700000	3011504000
		Capital	300000	200000	500000
82	Other expenditure pertaining to Revenue Department	Revenue	20927000	0	20927000
		Capital	2610000	0	2610000
83	Roads and Building Department	Revenue	248357000	0	248357000
84	Non-Residential Buildings	Revenue	7159394000	12700000	7172094000
		Capital	13722149000	0	13722149000
85	Residential Buildings	Revenue	2100489000	0	2100489000
		Capital	2079780000	0	2079780000
86	Roads and Bridges	Revenue	35328695000	51000000	35379695000
		Capital	34901019000	105000000	35006019000
87	Gujarat Capital Construction Scheme	Revenue	169196000	0	169196000
		Capital	3043300000	900000	3044200000
88	Other expenditures pertaining to Roads and Buildings Department	Revenue	338271000	500000000	838271000
		Capital	37250000	500000000	87250000
89	Science and Technology Department	Revenue	2529313000	0	2529313000
90	Other Expenditure pertaining to Science and Technology Department	Revenue	2441480000	0	2441480000
		Capital	2604000	0	2604000

Demand No. Vote/ Appropriation	Services and purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
91	Social Justice and Empowerment Department	Revenue	79627000	0	79627000
92	Social security and welfare	Revenue	21558029000	26000000	21584029000
		Capital	6185590000	0	6185590000
94	Other Expenditure pertaining to Social Justice and Empowerment Department	Capital	1600000	0	1600000
95	Scheduled Castes Sub Plan	Revenue	45170328000	0	45170328000
		Capital	8760906000	0	8760906000
97	Sports, Youth and Cultural Activities Department	Revenue	66092000	0	66092000
98	Youth Services and Cultural Activities	Revenue	4117489000	0	4117489000
		Capital	469752000	0	469752000
99	Other expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital	601000	0	601000
93	Welfare of Scheduled Tribes	Revenue	5533921000	0	5533921000
		Capital	618161000	0	618161000
96	Tribal Area Sub-Plan	Revenue	91104585000	50000000	91154585000
		Capital	43755049000	2500000	43757549000
100	Urban Development and Urban Housing Department	Revenue	64174000	0	64174000
101	Urban Housing	Revenue	6840691000	2000191000	8840882000
102	Urban Development	Revenue	96661140000	0	96661140000
		Capital	6052075000	0	6052075000
103	Compensation, Assignment and Tax Collection Charges	Revenue	2289500000	300000000	2589500000
104	Other Expenditure Pertaining to Urban Development and Urban Housing Department	Revenue	4440000	0	4440000
		Capital	100000	0	100000
105	Women and Child Development Department	Revenue	57196000	0	57196000
106	Other Expenditure pertaining to Women and Child Development Department	Revenue	22467517000	8500000	22476017000
		Capital	930619000	0	930619000



Demand No. Vote/ Appropriation	Services and purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4		
107	Climate Change Department	Revenue	12575000	0	12575000
108	Other expenditure Pertaining to Climate Change Department	Revenue	9518212000	0	9518212000
	<b>Total Revenue</b>	Revenue	<b>1402834834000</b>	<b>241269750000</b>	<b>1644104584000</b>
	<b>Total Capital</b>	Capital	<b>348762251000</b>	<b>180005521000</b>	<b>528767772000</b>
	<b>Grand Total</b>		<b>1751597085000</b>	<b>421275271000</b>	<b>2172872356000</b>

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# The Gujarat Government Gazette

## EXTRAORDINARY

### PUBLISHED BY AUTHORITY

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WEDNESDAY, APRIL 8, 2020/ CAITRA 19, 1942

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#### PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.

#### LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 8<sup>th</sup> April, 2020.

#### GUJARAT ORDINANCE NO. 1 OF 2020.

#### AN ORDINANCE

*further to amend the laws relating to salaries and allowances of  
Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly  
and of Ministers and Leader of the Opposition.*

**WHEREAS** the Legislative Assembly of the State of Gujarat is not  
in session;

**AND WHEREAS** the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the laws relating to salaries and allowances of Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly and of Ministers and Leader of the Opposition;

**NOW, THEREFORE,** in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely :-

**1. *Short title and commencement.***- (1) This Ordinance may be called the Gujarat Salaries and Allowances of Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly, Ministers and Leader of the Opposition Laws (Amendment) Ordinance, 2020.

(2) It shall come into force at once.

**2. *Guj. II of 1960, Guj. III of 1960, Guj. VI of 1960 and Guj. 16 of 1979 to be temporarily amended.***- During the period of operation of this Ordinance, the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960, the Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960, the Gujarat Ministers' Salaries and Allowances Act, 1960 and the Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Act, 1979 shall have effect subject to the amendments specified in sections 3 to 6.

**3. *Amendment of section 3 of Guj. II of 1960.***- In the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960, in section 3, after sub-section (1), the following sub-section shall be inserted, namely :-

“(1A) Notwithstanding anything contained in sub-section (1), there shall be paid to each Member 30 per cent less basic salary per month for a period of twelve months commencing from the 1<sup>st</sup> April, 2020.”.

Guj. II of  
1960.  
Guj. III of  
1960.  
Guj. VI of  
1960.  
Guj. 16 of  
1979.

Guj. II of  
1960.

**4. Amendment of sections 3 and 10 of Guj. III of 1960.-** In the Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960,-

**Guj. III of 1960.**

(i) in section 3, after sub-section (1), the following sub-section shall be inserted, namely:-

“(1A) Notwithstanding anything contained in sub-section (1), there shall be paid to the Speaker 30 per cent less basic salary per month for a period of twelve months commencing from the 1<sup>st</sup> April, 2020 .”.

(ii) in section 10, after sub-section (1), the following sub-section shall be inserted, namely :-

“(1A) Notwithstanding anything contained in sub-section (1), there shall be paid to the Deputy Speaker 30 per cent less basic salary per month for a period of twelve months commencing from the 1<sup>st</sup> April, 2020 .”.

**5. Amendment of sections 3 and 6 of Guj. VI of 1960.-** In the Gujarat Ministers' Salaries and Allowances Act, 1960,-

**Guj. VI of 1960.**

(i) in section 3, after sub-section (1), the following sub-section shall be inserted, namely:-

“(1A) Notwithstanding anything contained in sub-section (1), there shall be paid to the Minister 30 per cent less basic salary per month for a period of twelve months commencing from the 1<sup>st</sup> April, 2020 .”.

(ii) in section 6, after sub-section (1), the following sub-section shall be inserted, namely :-

“(1A) Notwithstanding anything contained in sub-section (1), there shall be paid to the Deputy Minister 30 per cent less basic salary per month for a period of twelve months commencing from the 1<sup>st</sup> April, 2020 .”.

**Guj. 16  
of 1979.**

**6. *Amendment of section 3 of Guj. 16 of 1979.***- In the Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Act, 1979, in section 3, after sub-section (1), the following sub-section shall be inserted, namely :-

“(1A) Notwithstanding anything contained in sub-section (1), there shall be paid to the Leader of the Opposition 30 per cent less basic salary per month for a period of twelve months commencing from the 1<sup>st</sup> April, 2020.”.

### STATEMENT

Members of the Legislative Assembly, Speaker and Deputy Speaker, Ministers of the State and the Leader of the Opposition draw their salaries and allowances in accordance with the provisions contained in the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960; Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960; Gujarat Ministers' Salaries and Allowances Act, 1960 and the Gujarat Legislative Assembly (Leader of the Opposition) Salaries and Allowances Act, 1979 respectively.

The world as a whole is battling an outbreak of a Coronavirus called COVID-19, which has claimed thousands of lives and infected lacs of human beings around the world and India is no exception. The State of Gujarat is also reeling from the COVID-19 crisis and one cannot say with any certainty as to how long it will last. The State Government is making all out efforts and has also employed all its resources to combat the Coronavirus.

Many MLAs and Dignitaries have offered to help financially to the State Government in their individual capacity, but to have a uniform policy in this regard, the State Government has decided to reduce the basic salary of Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly, Ministers and Leader of the Opposition to the extent of 30 per cent for a period of twelve months commencing from 1<sup>st</sup> April, 2020 and to utilize the saved money to fight against the challenge posed by Coronavirus outbreak.

As the Gujarat Legislative Assembly is not in Session, this Ordinance is promulgated to amend the laws relating to salaries and allowances of Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly and of Ministers and Leader of the Opposition to achieve the aforesaid object.

Gandhinagar.  
Dated the 8<sup>th</sup> April, 2020.

**ACHARYA DEVVRAT,**  
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**C. J. GOTH,**  
Secretary to Government.

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# The Gujarat Government Gazette

## EXTRAORDINARY

### PUBLISHED BY AUTHORITY

Vol. LXI |

THURSDAY, APRIL 9, 2020/ CAITRA 20, 1942

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

#### PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.

#### FINANCE DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 9<sup>th</sup> April, 2020.

#### GUJARAT ORDINANCE NO. 2 OF 2020.

#### AN ORDINANCE

*further to amend the Gujarat Goods and Services Tax Act, 2017.*

WHEREAS in view of the spread of pandemic COVID-19 across many countries of the world including India, causing immense loss to the lives of people, it has become imperative to make extension of time limit for various provisions, in the Gujarat Goods and Services Tax Act, 2017;

AND WHEREAS the Legislative Assembly of the State of Gujarat is not in Session;



AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Gujarat Goods and Services Tax Act, 2017;

Guj. 25 of 2017.

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is pleased to make and promulgate the following Ordinance, namely: -

**1. *Short title and commencement.***- (1) This Ordinance may be called the Gujarat Goods and Services Tax (Amendment) Ordinance, 2020.

(2) It shall be deemed to have come into force on the 31<sup>st</sup> March, 2020.

**2. *Guj. 25 of 2017 to be temporarily amended.***- During the period of operation of this Ordinance, the Gujarat Goods and Services Tax Act, 2017 (hereinafter referred to as “the principal Act”) shall have effect subject to the amendment in section 3.

Guj. 25 of 2017.

**3. *Insertion of new section 168A in Guj.25 of 2017.***- In the principal Act, after section 168, the following section shall be inserted, namely:-

Power of  
Government to  
extend time  
limit in special  
circumstances.

**“168A.** (1) Notwithstanding anything contained in this Act, the Government may, on the recommendations of the Council, by notification, extend the time limit specified in, or prescribed or notified under, this Act in respect of actions which cannot be completed or complied with due to *force majeure*.

(2) The power to issue notification under sub-section (1) shall include the power to give retrospective effect to such notification from a date not earlier than the date of commencement of this Act.

***Explanation.***- For the purposes of this section, the expression “*force majeure*” means a case of war, epidemic, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature or otherwise affecting the implementation of any of the provisions of this Act.”.

**STATEMENT**

In view of the spread of pandemic COVID-19 across many countries of the world including India, causing immense loss to the lives of people, it has become imperative to make extension of time limit for various provisions, by way of inserting new section 168A in the Gujarat Goods and Services Tax Act, 2017.

As the Legislative Assembly of the State of Gujarat is not in session, the Gujarat Goods and Services Tax (Amendment) Ordinance, 2020 is promulgated to amend the said Act to achieve the aforesaid object.

Gandhinagar.  
Dated the 8<sup>th</sup> April, 2020.

**ACHARYA DEVVRAT,**  
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**PANKAJ JOSHI,**  
Additional Chief Secretary to Government.

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# The Gujarat Government Gazette

## EXTRAORDINARY

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#### PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.

#### AGRICULTURE, FARMERS WELFARE AND CO-OPERATION DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 6<sup>th</sup> May, 2020.

#### GUJARAT ORDINANCE NO. 3 OF 2020.

#### AN ORDINANCE

*further to amend the Gujarat Agricultural Produce Markets Act, 1963.*

WHEREAS the Legislative Assembly of the State of Gujarat is not  
in Session;

AND WHEREAS the Governor of Gujarat is satisfied that  
circumstances exist which render it necessary for him to take immediate  
action to amend the Gujarat Agricultural Produce Markets Act, 1963;

Guj. 20 of 1964.

NOW, THEREFORE, in exercise of the powers conferred on him by  
clause (1) of article 213 of the Constitution of India, the Governor of Gujarat  
is hereby pleased to make and promulgate the following Ordinance, namely:

**1. Short title and commencement.-** (1) This Ordinance may be called the Gujarat Agricultural Produce Markets (Amendment) Ordinance, 2020.

(2) It shall come into force at once.

**2. *Guj. 20 of 1964 to be temporarily amended.***- During the period of operation of this Ordinance, the Gujarat Agricultural Produce Markets Act, 1963 (hereinafter referred to as “the principal Act”) shall have effect subject to the amendments specified in sections 3 to 26.

**Guj. 20 of 1964.**

**3. *Amendment of section 1 of Guj. 20 of 1964.*** -- In the principal Act, in section 1, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) This Act may be called the Gujarat Agricultural Produce and Livestock Marketing (Promotion and Facilitation) Act, 1963.”.

**4. *Amendment of section 2 of Guj. 20 of 1964.***--In the principal Act, in section 2,-

(1) for clause (i), the following clause shall be substituted, namely:-

“(i) “agriculture produce” means all produce, whether processed or not, of agriculture, horticulture and includes livestock, specified in the Schedule;”;

(2) for clause (ii), the following clause shall be substituted, namely: -

“(ii) “agriculturist” means a person who ordinarily by himself or who by his tenants or hired labour or otherwise is engaged in the production or growth of agricultural produce including rearing of livestock, but does not include a trader or broker in agricultural produce or livestock although such a trader or broker may also be engaged in the production or growth of agricultural produce or livestock. It also includes association of farmers by whatever name called, registered under any law for the time being in force and is engaged in aggregation of member farmers produce including livestock;”;

(3) after clause (iii), the following clause shall be inserted, namely: -

“(iiia)”buyer” means a person, who himself or itself or on behalf of any person or agent buys or agrees to buy agricultural produce in the market;”:

- (4) after clause (iv), the following clause shall be inserted, namely:-  
“(iv-a) “cold storage” means a cold storage as may be declared as market sub-yard under this Act;”;
- (5) after clause (v-aaa), the following clause shall be inserted, namely:-  
“(v-aab) “direct marketing” in relation to agricultural produce means direct wholesale purchase of agricultural produce from the farmers by the processors, exporters, bulk buyers and such other person outside the principal market yard, sub-market yard, private market yard and market sub-yard, or e-market established under section 31C;”;
- (6) after clause (vi-a), the following clauses shall be inserted, namely:-  
“(vi-ab)“electronic trading (e-trading)” means trading of notified agricultural produce in which registration, auctioning, billing, booking, contracting, negotiating, exchange of information, record keeping and such other connected activities are done electronically on computer network or internet;  
  
“(vi-ac)“electronic trading platform (e-trading platform)” means electronic platform set up either by the State Government or its agency or a person licensed under this Act for conducting trading in notified agricultural produce through electronic media or by any means of communication in which registration, buying and selling, billing, booking, contracting and negotiating are carried out online through computer network or internet or any other such electronic device;”;
- (7) after clause (vi-aaa), the following clauses shall be inserted, namely:-  
“(vi-aab) “farmer-consumer market” means a market yard established under section 31E;  
  
“(vi-aac)“farmer-producer company(FPC)” means a company of farmer-producer members incorporated and registered as such with the Registrar of Companies under the Companies Act, 2013;

(vi-aad) “Government agency” means Government of Gujarat or its department concerned dealing with agricultural produce marketing or the Director or the Board, as the case may be;”;

- (8) for clause (vii), the following clause shall be substituted, namely: -  
“(vii)“general commission agent” a person who *bonafide* buys or sells agricultural produce on behalf of his principal, or facilitates buying or selling at primary and other level transactions on e-platform or any other mode of transaction and activities ancillary thereto, keeps it in his custody and controls it during the process of its sale or purchase and collects payment thereof, if required, from the buyer and pays it to the seller for an agreed commission, any agricultural produce on behalf of another person and does or offers to do anything necessary for completing and carrying out the transaction of such sale or purchase;”;

- (9) for clause (ix), the following clause shall be substituted, namely:-

“(ix)”licence” means the license granted under the provisions of this Act;”;

- (10) for clause (x), the following clause shall be substituted, namely:-

“(x) “licensee” means a person holding a license granted under the provisions of this Act;”;

- (11) after clause (x), the following clause shall be inserted, namely:-

“(x-a) “livestock” means a cow, buffalo, bullock, bull, horse, donkey, camel, goat and sheep; and includes poultry, fish and such other animals and products thereof, as may be specified in the Scheduled; ”;

- (12) in clause (xii-a), after the words “sub-market yard”, the words “market sub-yard” shall be inserted;

- (13) after clause (xii-a), the following clause shall be inserted, namely:-

“(xii-aa) “marketing” in relation to agriculture produce means all activities involved in the flow of agricultural produce from production point commencing at the stage of harvest till the same reaches to the ultimate consumers, viz. grading, processing, storage, transport, channels of distribution and all other functions involved in the process;”;

(14) after clause (xiii-a), the following clause shall be inserted, namely:-

“(xiii-aa) “market sub-yard” means warehouse, silos, cold storage enclosure building or such other structure or place or locality declared to be market sub-yard or deemed to be market sub-yard under section 7A;”;

(15) after clause (xiv-a), the following clause shall be inserted, namely:-

“(xiv-aa) “Market Yard of National Importance” means a market yard designated or notified as such under section 7AA;”;

(16) after clause (xv), the following clauses shall be inserted, namely:-

“(xv-a) “national agriculture market (NAM)” means an integrated market, without prejudice to any law for the time being in force, where buying and selling of notified agricultural produce and activities incidental thereto are carried out in India possessing marketing utility across time and space;

(xv-ab) “over trading” in relation to a trader means the amount exceeding the value of the notified agricultural produce purchased at any point of time vis-à-vis to the amount of security deposited with or the bank guarantee furnished to the market committee by the trader;

(xv-ac) “person” includes individual, a co-operative society, Hindu Undivided Family, a company or firm or an association or a body of individuals, whether incorporated or not;

(xv-ad) “petty trader” in relation to agricultural produce means a non licensee trader who carries on purchasing or selling of notified agricultural produce in the quantity not exceeding such quantity as may be notified by the Director;”;

- (17) after clause (xvii-aaa) the following clause shall be inserted, namely:-

“(xvii-aab) “processing unit” means processing unit declared as market sub-yard under this Act;”;

- (18) for clause (xvii-aaaa), the following clause shall be substituted, namely:-

“(xvii-aab) “registration” means registration made under this Act;”;

- (19) after clause (xx), the following clauses shall be inserted, namely:-

“(xx-b) “seller” means a person who sells or agrees to sell agricultural produce for consideration of a price;

“(xx-c) “Schedule” means the Schedule appended to this Act;”;

- (20) after clause (xxi), the following clause shall be inserted, namely:-

“(xxia) “silo” means silo declared as market sub-yard under section 7A;”;

- (21) for clause (xxiii), the following clause shall be substituted, namely:-

“(xxiii) “trader” means a person who carries on the business of buying or selling of notified agricultural produce either for himself and includes a co-operative society, joint family or an association of persons whether incorporated or not which carries such business for the purpose of selling, processing, manufacturing, or for the any purpose, as the case may be, except for the purpose of domestic consumption by himself;”;

- (22) after clause (xxiii-aa), the following clause shall be inserted, namely:-

“(xxiii-ab) “U T” means Union Territory as specified in the First Schedule to the Constitution of India;”;

- (23) after clause (xxiii-aaa), the following clause shall be inserted, namely:-

“(xxiii-aab) “warehouse” means warehouse declared as a market sub-yard under section 7A;”.



**5. Amendment of section 5 of Guj.20 of 1964.**-- In the principal Act, in section 5,-

(1) to sub-section (3), the following proviso shall be inserted, namely:-

“Provided that livestock market shall be established and operated under the rules as may be prescribed subject to the provisions of this Act.”;

(2) after sub-section (3), the following sub-section shall be inserted, namely:-

“(4) The State Government may hold consultations with local authorities, including Panchayati Raj Institutions who own and operate rural periodical markets or *haats* or any other such markets for marketing of agricultural produce within their area of jurisdiction to bring such markets under the regulation of this Act, so as to develop these markets for efficiently function as marketing platform nearest to the farm gate.”.

**6. Insertion of new section 5A in Guj.20 of 1964.** --In the principal Act, after section 5, the following section shall be inserted, namely:-

**Declaration of  
whole State  
as one Unified  
Market Area.**

“**5A.** Subject to the notification made under section 5 and after considering such objections and suggestions as may be received before the expiry of period as specified in the notification, the State Government may, by notification in the *Official Gazette*, declare the whole State as one unified market area as specified in the said notification for the purposes of regulation of marketing of all or any of the kinds of notified agricultural produce specified in the notification issued under this Act.”.

**7. Amendment of section 7 of Guj.20 of 1964.** --In the principal Act, in section 7, -

(1) in sub-section (1), for clause (ii), the following clauses shall be substituted, namely:-

“(ii) sub-market yards,

(ii-a) market sub-yards, if any, and;”;

- (2) in sub-section (3), after the words “sub-market yards” the words market sub-yard” shall be inserted.

**8. Insertion of new sections 7A and 7AA in Guj. 20 of 1964.** -- In the principal Act, after section 7, the following sections shall be inserted, namely:-

**Declaration of  
warehouses,  
silos, cold  
storage as  
market sub-yard  
for de-notified  
agricultural  
produce.**

**“7A.** (1) The State Government may by notification in the *Official Gazette*, declare any place in the market area as the principal market yard or sub-market yard or market sub-yard or farmer consumer market yard, as the case may be, manage by a market committee, for the purpose of regulation of marketing of notified agricultural produce, expressly or impliedly in physical, electronic or such other mode under this Act.

**Explanation.-** In the sub-section the expression “place” shall include any structure, enclosure, open space locality, street including warehouse, silos, pack house, cleaning, grading and packaging and processing unit in the market area.

(2) The State Government may by notification in the *Official Gazette*, declare a “place” to be private market yard, private market sub- yard, private farmer-consumer market yard, as the case may be, for marketing of notified agricultural produce and livestock, expressly or impliedly in physical, electronic or other such mode under this Act.

**Explanation.-** In the sub-section the expression “place” shall include any structure, enclosure, open space locality, including warehouse, silos, pack house, cleaning, grading and packaging and processing unit and vested in the person licensed for the purpose under this Act.

(3) the owner of such warehouse, silos, cold storage or such other structure or place, as the case may be, desirous of declaration of such place as market sub-yard under sub-section (1) shall apply to the Director or an officer authorized in this behalf by him

(hereinafter referred to as “authorized officer”) in such manner with such fee; for such period which shall not be less than three years, as may be prescribed.

(4) The licensee of such warehouse, silos, cold storage or such other structure or place, may collect market fee on notified agricultural produce and may collect user charge on de-notified agricultural produce transacted at the market sub-yard declared under sub-section (1) at the *ad valorem rate* not exceeding the rates as notified by the State Government:

Provided that no user charge shall be collected from agriculturists seller.

(5) The Licensee of such market sub- yard shall contribute, of such market fee, user charges collected, to the separate “Development Fund” account maintained by the Board at the rate in percentage at par with market committee. The Fund shall be utilized for the purposes and in the manner as provided *mutatis mutandis* in section 34 O.

Establishment  
of “Market  
yard of  
National  
Importance.

**7AA.** The State Government may designate and notify any existing market yard established under section 7 as a “Market Yard of National Importance” or establish and notify any market as a “Market Yard of National Importance” after consideration of such aspects as total throughput, value, upstream catchment area, downstream number of consumers served and special infrastructure requirements therefor:

Provided that the market yard handling not less than such annual tonnage or such annual value, as may be prescribed, may be considered for conferring the status as the a “Market Yard of National Importance:

Provided further that out of such annual tonnage or such annual value, 30 per cent. may arrive from not less than two other States.”.

**9. Amendment of section 10 of Guj. 20 of 1964.** -- In the principal Act, in section 10, in sub-section (2),-

- (1) for the words and figures “the Bombay General Clauses Act, 1904”, **Bom. I of 1904.**  
the words and figures “the Gujarat General Clauses Act, 1904” shall be **Bom. I of 1904.**  
substituted;
- (2) the following provisos shall be added, namely:-

“Provided that no immovable or movable property the value of which exceeds the prescribed limits shall be acquired or disposed of by the Market Committee without the prior permission of the Director:

Provided further that the Director may, for the reasons to be recorded in writing, revoke such permission before the completion of the acquisition or execution of the deed, as the case may be:

Provided also that market committee may, with the prior approval of the Director and after obtaining valuation certificate from the prescribed officer enter into agreement with the owner of any land or building and purchase such land or building.”.

**10. Amendment of section 11 of Guj.20 of 1964.** -- In the principal Act, in section 11,-

- (1) in sub-section (1),-
- (a) in clause (i), for the word “eight”, the word “ten” shall be substituted;
- (b) in clause (ii), for the words “by the traders holding general licences”, the words “by the commission agents or traders, as the case may be whose licence granted or renewed under section 27 or 27A;” shall be substituted;
- (c) in clause (iii), after the proviso, the following proviso shall be inserted, namely:-

“Provided further that for voting as well as for being elected to represent their respective class under clauses (i), (ii) and (iii) above, the person shall be eligible as a voter for any one market committee of the State and also eligible to represent the same market committee and no other market committee of the State in the manner as may be prescribed;”;

(2) after sub-section (4), the following sub-section shall be inserted, namely:-

“(4A) Save as otherwise provided in this Act, no elected person shall be a member of the market committee continuously for more than two terms:

Provided that the existing elected member on the date of commencement of the Gujarat Agricultural Produce Markets (Amendment) Ordinance, 2020, who has been continuously holding the office for more than two terms shall continue as a member till his term expires.”.

Guj. Ord. 3 of  
2020.

**11. Insertion of new sections 11A to 11E in Guj.20 of 1964.** -- In the principal Act, after section 11, the following sections shall be inserted, namely:-

Establishment of  
market  
committee of  
Market Yard of  
National  
Importance.

“**11A.** (1) Save as provided under section 11, the State Government may, by notification, in the *Official Gazette*, constitute a separate market committee for effective implementation of provisions of this Act for such market yard located in the State of Gujarat which is considered as the “Market Yard of National Importance (MNI) established under section 7AA.

(2) All provisions for and in relation to the Market Committee, including election of the Chairperson, Vice-Chairperson and members made in the Act, shall *mutatis mutandis* apply to the market committee constituted for “Market yard of National Importance.”.

(3) Save as provided under section 11, the market committee of Market Yard of National Importance shall consist of –

- (i) a Chairperson;
- (ii) a Vice-Chairperson;
- (iii) 10 (ten) Agriculturist;

out of which two agriculturists, one each from two other States where from arrivals are received in the MNI, to be nominated by the respective State Government on receipt of request for such nomination received from the State Government where MNI is located;

- (iv) one trader holding the single unified licence, resident of a market area, elected from amongst the licensed traders resident of such market area;
- (v) one trader holding the Inter-State trading licence nominated by the respective State Government;
- (vi) one representative of licensed commission agent as the member in the prescribed manner;
- (vii) the Adviser to the Government of India (Agricultural Marketing) or his nominee not below the rank of Under Secretary to the Government of India ;
- (viii) the Chief Executive Officer or Municipal Commissioner of the city or, as the case may be, the President of the Municipality or his nominee;
- (ix) the Chief Town Planner or the authority exercising such powers or his nominee;
- (x) the Director or his nominee *ex-officio*, not below the rank of Under Secretary to the Government of India;
- (xi) the Managing Director of the Board, *ex-officio*, or his nominee not below the rank of Under Secretary to the Government of India;
- (xii) the Executive Member, to be appointed by the State Government who shall function as the Secretary of the market committee;

**Appointment and  
functions of  
market  
committee of  
MNI.**

**11B.** The Secretary of the market committee shall be appointed by the State Government from amongst the State Civil Service Officers at least with ten years of service or from the panel of professionals so maintained or on deputation from the State Government having experience of ten years in agricultural marketing.

**Executive  
Committee of  
MNI.**

**11C. (1)** The Executive Committee for MNI shall consist of-

- (i) the Chairperson of MNI;
- (ii) the Vice-Chairperson of MNI;
- (iii) a trader holding the single unified licence of MNI;
- (iv) the Director or his nominee, *ex-officio*, not below the rank of Under Secretary to the Government of India;

- (v) the Managing Director of the Board, *ex-officio*, or his nominee not below the rank of the Under Secretary to the Government of India;
- (vi) the Executive Member of the market committee of MNI, who shall act as the Member-Secretary of the Executive Committee.

(2) In case of emergency, the Executive Committee may decide issues requiring approval of the market committee. However, such decision shall be approved by the market committee within forty-five days from the date such decisions are taken. In case the decision is not taken within the said time limit, or in the event of disapproval of such decision by the market committee, such decision shall stand null and void, so however, that any such disapproval shall be without prejudice to the validity of anything previously done under the decision of the Executive Committee:

Provided that if the market committee makes any modification in such decision, the decision shall have effect to the extent of modification from the date of such decision.

(3) The Executive Committee shall meet as often as necessary but at least once in a calendar month.

**Term of office of members of Executive Committee of MNI.**

**11D.** The Executive Committee of MNI shall be constituted from time to time as may be prescribed by the State Government.

**Provisions of this Act shall applied to market yard of National Importance.**

**11E.** All other provisions of this Act, not specified for “Market yard of National Importance”, also shall *mutatis mutandis* apply to MNI established and notified under section 11A.”.

**12. Amendment of section 27 of Guj.20 of 1964. --** In the principal Act, in section 27,-

- (1) in sub-section (1), the word “trader” shall be deleted;
- (2) in sub-section (2), for the words “ commission agents, or traders”, the words “ or commission agents” shall be substituted.

**13. Insertion of new section 27A in Guj.20 of 1964.** -- In the principal Act, after section 27, the following section shall be inserted, namely: -

Grant or  
renewal of  
unified single  
licence.

Guj. Ord. 3 of  
2020.

**“27A.** (1) There shall be a single licence applicable to the whole of the State for the trader to be granted or renewed by the Director or the officer authorised by him in such manner and in such form, as may be prescribed, to operate as trader in any principal market yard, sub-market yard, market sub-yard, private market yard and sub-yard, e-trading platform or any other space identified for the purpose, in the State. The existing trader licences granted by the market committees shall be converted into State wide single trader licence by the Director or the officer authorized by him, within six months from the date of commencement of the Gujarat Agricultural Produce Markets (Amendment) Ordinance, 2020. Until then, the existing trader licences granted by the market committees shall be deemed to have been the State wide single trader licences:

Provided that the licence fee shall be payable to the concerned market committee.

**Explanation:** Private market licensee or other such licensee or its management committee may, register the unified single trading licence holder issued by Director or the officer authorized by him, to allow to operate in such market yards.

(2) The Licences may be granted under sub-section (1 ) in such form, for such periods, on such terms and conditions and restrictions (including any provisions for prohibiting brokers and commission agents from acting in any transactions both as buyer and seller, or on behalf of both the buyer and seller, and provision for regulating advances, if any, to be made to agriculturist by brokers, commission agents or traders and any provisions for prescribing the manner in which and the places at which auctions of agricultural produce shall be conducted and the bids made and accepted and places at which



weighment and delivery of agricultural produce shall be made in any market area) as may be prescribed or determined by laws and on payment of fees determined by the market committee within such maxima as may be prescribed.

(3) The Director or the authorised officer may, after such inquiry as he deems fit to make and after giving, in the prescribed manner, the licensee a reasonable opportunity of being heard, suspend or cancel a licence issued under this section on any of the following grounds,-

- (a) that, the licence has been obtained through wilful misrepresentation or fraud;
- (b) that, the licensee himself or in collusion with other licensee commits any act or obtains from carrying on his normal business in the market with an intention to wilfully obstruct, suspend or stop the marketing of notified agricultural produce in any type of market and in consequence where of, the marketing of notified agricultural produce has been obstructed, suspended or stopped ;
- (c) that, the licensee is found to have contravened any of the provisions of this Act or the rules or bye-laws;
- (d) that, the licensee has been convicted of an offence punishable under this Act or rules or bye-laws ;
- (e) that, the licensee has become insolvent;
- (f) that, the licensee incurs any disqualification on grounds as may be prescribed.

(4) The holder of such licence shall, whose licence has been suspended or cancelled under this section shall forthwith produce the same to the Director or the authorised officer in this behalf for making endorsement in the prescribed manner; and he shall not be entitled to any claim on account of such suspension or cancellation any compensation or for the refund of the whole or any part of the licence fee.

(5) The holder of licence whose licence has been suspended under this section may prefer an appeal to the State Government in the prescribed manner.

(6) If in respect of any holder of a licence, it appears to the Director that on any ground specified in sub-section (3), an action under that sub-section by the market committee was necessary but that the market committee has not taken any such action, the Director may, on any such ground and for reasons to be recorded in writing and after giving a reasonable opportunity to the holder of the licence to be heard, by order suspend or cancel any licence granted or renewed under this section.

(7) Any person aggrieved by an order refusing to grant or renew a licence or suspending or cancelling any licence may, appeal within thirty days from the date of communication of the order to him, to the State Government, if such order has been made by the Director or the authorised officer.

(8) The State Government after giving the appellant a reasonable opportunity of being heard, shall on such appeal make such order as it deem just and proper.

(9) Notwithstanding anything contained in sub-section (1), a licence holder shall be eligible as a voter for any of one market committee of the State and shall eligible to represent the same market committee and no other market committee of the State in the manner as may be prescribed.”.

**14. *Amendment of section 28 of Guj.20 of 1964.*** -- In the principal Act, in section 28,-

(1) in sub-section (1), for the words “the agricultural produce bought or sold in the market area”, the words “the agricultural produce bought or sold in the principal market yard, sub-market yard or market sub-yard either brought from outside the State or from within the State” shall be substituted;

(2) in sub-section (2), for the proviso to clause (b), the following proviso shall be substituted, namely:-

“Provided that in case any agricultural produce is found to have been processed, sold or resold or dispatched outside the principal market yard, sub-market yard or market sub-yard without payment of market fee, or user charges payable under clause (ii) of sub-section (3) of this section, on such produce, the market fee or user charges shall be levied and recovered two times of such leviable and recoverable amount.”;

(3) for the words “market area” wherever occur in section 28, the words “the principal market yard, sub-market yard or market sub-yard” shall be substituted.

**15. Insertion of new section 28AA in Guj 20 of 1964.** -- In the principal Act, after section 28, the following section shall be inserted, namely:-

**Levy of entrance fee on vehicles.** “**28AA.** The market committee may levy and collect entrance fee on vehicles which may enter into market yard at such rate as may be specified in bye-laws:

Provided that no such fee shall be levied and collected from agriculturist-seller.”.

**16. Insertion of new section 28B in Guj. 20 of 1964.**-- In the principal Act, after section 28A, the following section shall be inserted, namely:-

**Power to write off irrecoverable fees, etc.** “**28B.** The market committee may write off any fee, user charges or the amount whatsoever due to it, whether under a contract or otherwise, or any amount payable in addition therewith if in its opinion such a fee, user charge or an amount is irrecoverable:

Provided that the market committee shall, before writing off any such fee, user charges or the amount, obtain the previous sanction of the Director, if the fee or amount exceeds rupees one lakh.”

**17. Insertion of new sections 30A and 30B in Guj.20 of 1964.** -- In the principal Act, after section 30, the following sections shall be inserted, namely:-

Power to  
remove  
encroachment  
in market  
yard.

**“30A.** An officer or employee of a market committee duly empowered by the State Government in this behalf shall have power to remove any encroachment in the areas of the principal market yard and sub-market yard and the expenses of such removal shall liable to be paid by the person who has caused the said encroachment and the same shall be recovered in the same manner as an arrear of land revenue.

Use of weighing  
instruments,  
weight and  
measure, their  
inspection.

**30B.** (1) The manual or electronic weighing instruments which complies the requirements of such weights and measures as are prescribed by the prevailing Act or the rules made thereunder shall be used for weighing or measuring agricultural produce as required, in the principal market yard, sub-market yard, market sub- yard, private market yard and farmer – consumer market yard:

Provided that in transactions of sale and purchase of agricultural produce, electronic balance may preferably be used.

(2) The Weighing instruments, weights and measures kept by the market committee under this section may from time to time be inspected, examined and checked by the Director or the Managing Director or the authorized officer.”.

**18. Insertion of new Chapters IVAA and IVAAA in Guj. 20 of 1964. --**  
In the principal Act, after section 31R, the following Chapters and sections shall be inserted, namely:-

**“CHAPTER-IVAA  
E-TRADING**

**Establishment  
and  
promotion  
of electronic  
trading  
platform.**

**31S.**(1) No person shall establish and run any electronic trading platform for trading in notified agricultural produce without obtaining a licence under section 31T.

(2) Save as provided in sub-section (1), the State Government or its agency may, however, establish and run e-trading platform for trading in notified agricultural produce in the manner as may be prescribed.

**Grant and  
Renewal of  
licence to  
establish  
electronic  
trading  
platform.**

**31T.** (1) Any person desirous of establishing an e-trading platform under section 31S, shall apply for grant of licence to the Director in such form and such manner along with such fee; and security or bank guarantee and subject to fulfilling such terms and conditions, as may be prescribed.

(2) The application received under sub-section (1) for grant or renewal of license may be granted or rejected for reasons to be recorded in writing:

Provided that the application received under this section may be liable to be rejected for any of the reasons *mutatis mutandis* to the reasons specified in section 31F.

(3) The e-trading platform managed and operated by a person or the State Government or its agency, as the case may be, may provide all infrastructures and services connected with e-trading, in the prescribed manner.

(4) The licensee or its management committee, may collect market fee for notified agricultural produce or user charges for those items of the agricultural produce which are not specified in the notification published under sub-section (1) of section 5 not exceeding the rates

as may be prescribed by the State Government on transaction of sale on the e-trading platform:

Provided that no user charge shall be collected from agriculturist-seller.

(5) The licensee of e-trading platform shall contribute of such market fee or of such user charge collection, to the separate “Development Fund” maintained by the Board at the rate in percentage at par with market committee. The Fund shall be utilised for the purposes of development of common marketing infrastructure, skill development, training, research and pledge financing and such other activities as will aid in creating efficient marketing system in the State.

**Integration of  
warehouses,  
silos, cold  
storages or such  
other structure  
or place,  
declared as  
market sub-yard  
to e-platform.**

**31U.** A licence holder under section 7A for market sub-yard, desirous to link to e-platform of the Government of India, may apply, through the State Government or its agency, to the Government of India, Department of Agriculture, Co-operation and Farmers’ Welfare, in such form, along with such fee and in such manner, as may be prescribed by the Central Government.

**Integration  
of  
of private  
market.**

**31V.** A licensee of private market yard desirous of integrating with e-trading portal, may apply through the State Government or its agency to the Central Government in such manner as may be prescribed by the Central Government.

**Inter-  
operability  
of e-trading  
platforms.**

**31W.** In order to evolve a unified National Agricultural Market and integrate various e-platforms, the applications in the e-platform shall be inter-operable as per specifications and standards laid down by the Director subject to the directions of the Central Government.

**Payment to  
sellers  
and  
maintenance  
of accounts.**

**31X.(1)** Notwithstanding anything contained in this Act, the payment of notified agricultural produce traded on e-platform shall be made in the same day of the sale transaction to the seller or in

the maximum next day, if procedurally so required. In procedural exigencies on electronic trading, the payment to the seller may be made in such manner, as may be prescribed.

(2) The licensee or the market committee, as the case may be, shall maintain proper accounts of all the transactions taken place on electronic platform (e-platform) and submit such periodical reports and returns to the Managing Director or the authorized officer, at such time and in such forms, as may be prescribed by the Director, from time to time.

**Suspension or  
cancellation of  
licence of  
electronic  
trading  
platform.**

**31Y.** (1) The Director may, for the reasons to be recorded in writing suspend or cancel the licence granted under section 31T, if-

- (a) the licence has been obtained through wilful misrepresentation or fraud; or
- (b) the holder of licence or his representative or anyone acting on his behalf with his expressed or implied permission, commits a breach of any of the rules, regulations and terms or conditions of licence; or
- (c) the holder of licence himself or in combination with other licence holder commits any act or abstains from carrying on his normal business in the market area with the intention of wilfully obstructing, suspending or stopping the marketing of notified agricultural produce; or
- (d) the holder of the licence has become insolvent; or
- (e) the holder of the licence incurs any disqualification, as may be prescribed; or
- (f) the holder of the licence is convicted of any offence punishable under this Act.

(2) No licence shall be suspended or cancelled under this section without giving a reasonable opportunity of being heard to its holder.

**Redressal of  
Disputes  
settlement.**

**31Z.** Any dispute arising between licensees of e-trading platforms, under section 31T or between the licensees and market committee or the State agency shall be referred to the Director or the authorized officer, and the Director or the authorized officer shall in summary manner within thirty days, after giving the parties a reasonable opportunity of being heard resolve the dispute and the decision of the Director or the authorized officer shall be final.

**Dispute  
settlement with  
regard to Inter-  
State  
trade  
transactions.**

**31ZA.** In case of any dispute arising out of inter-State trade transaction on e-platform or any other platform, the State Government may become part of such Authority, which may be constituted by the Central Government.

#### **CHAPTER-IVAAA REGULATION OF TRADING**

**Sale-  
transaction of  
notified  
agricultural  
produce and  
livestock.**

**31ZB.** (1) All notified agricultural produce shall ordinarily be sold in the principal market yards, sub-market yards and market sub-yards, private market yards or at the electronic trading platforms licenced under this Act:

Provided that the notified agricultural produce may be sold at other places also to a licence holder especially permitted by a market committee in this behalf under this Act.

(2) In relation to agricultural produce, nothing in the sub-section (1) shall apply to the following sale and purchase where –

- (i) sale is made by the producer himself to any person for his domestic consumption in quantity up to such limits as may be prescribed;
- (ii) brought for sale by head load;
- (iii) purchase and sale is made by a petty trader;
- (iv) purchase is made by an authorised fair price shop dealer from the Food Corporation of India, (FCI) “the State



Civil Supplies Corporation” or any other agency or institution authorized by the Central or the State Government for distribution of essential commodities through the public distribution system; and

(v) the transfer of such agricultural produce to a co-operative society for the purpose of securing an advance therefrom.

(3) In relation to livestock, nothing in the sub-section (1) shall apply to the business of purchasing or selling of livestock not exceeding such value and numbers as may be prescribed.

(4) The price of the notified agricultural produce, brought for sale in the principal market yards, sub-market yards, private market yards, market sub-yards, electronic trading platform shall be settled by tender bid or open auction including e-auction and no deduction shall be made from the agreed price on any account whatsoever from the seller.

(5) Weighment or measurement or counting of all the notified agricultural produce so purchased shall be done by such person and in such manner as provided in the Bye-laws or, at any other place specified for the purpose by the market committee.

**Terms and  
conditions and  
procedure of  
buying and  
selling.**

**31ZC.** (1) Except in the commercial transaction between two traders, any other person who buys notified agricultural produce in the principal market yards, sub-market yards and market sub-yards, shall execute an agreement (*kabala*) in triplicate in such form, as may be prescribed. One copy of the agreement (*kabala*) shall be kept by the buyer, one copy shall be supplied to the seller and the remaining copy shall be kept in the record of market committee or as the case may be the managing body.

(2) The price of the notified agricultural produce transacted in the principal market yards, sub-market yards, private market yards, market sub-yards or at e-platforms shall be paid on the same day to

the seller or in the maximum next day if procedurally so required. Payment on notified agricultural produce shall also be made to agriculturist-seller, licensee of the direct marketing, if sold on the same day there itself.

(3) The Commission agent shall recover his commission from his principal trader at the rate not exceeding two percent *ad valorem* on transaction of non- perishable agricultural produce; while in case of perishable agricultural produce, it shall not exceed four percent *ad-valorem* on transaction of agricultural produce, including all expenses as may be incurred by him in storage of the agricultural produce and other services rendered by him:

Provided that no commission shall be collected from farmer-seller.

Recognition of  
unified  
single trading  
licence  
granted/  
renewed by  
other States.

**31ZD.**(1) Notwithstanding anything contained in this Act, the State Government may allow the holder of unified single trading license bearing unicode, issued by any other State or Union Territory to undertake trade transaction within its geographical jurisdiction on e-platform or any other format including physical that may be in operation, as a trader, in the manner as may be prescribed.

(2) Such licensee shall be liable to pay the market fee and other marketing charges at the rate applicable in the State of Gujarat for the transactions of trade taken place in the State of Gujarat in the manner as may be prescribed.

(3) In case of contravention of any of the provisions of this Act or the rules or bye-laws or any direction, the Director or the Managing Director or market committee, as the case may be, shall, after giving an opportunity to be heard, prohibit such licensee for trading purpose only within their respective jurisdiction, where a contravention has occurred, for a certain period or forever based on the gravity of breach or violation of provisions of this Act or the rules or the bye-laws or directions.

(4) The Director or the Managing Director of market committee of the respective jurisdiction, wherein the contravention has occurred, may simultaneously submit a proposal containing details of the type and nature of contravention with evidence, to the concerned authority of the licence issuing State for taking further appropriate action against the licensee.”.

**19. Amendment of section 34M of Guj. 20 of 1964.** -- In the principal Act, for section 34M, the following section shall be substituted, namely:-

**Contribution  
to be paid to  
Board.**

“**34M.**(1) Every market committee shall pay to the Board as contribution an amount equal to such percentage of its income not exceeding two per cent. of its income derived from licence fee and market fee as may be prescribed from time to time by the State Government.

(2) Every licensee of private market yard, private market sub-yard, e-trading platform and direct marketing purchaser shall contribute of its income derived from licence fee and market fee at such rate not exceeding two per cent, in the manner as may be prescribed, to the “Development Fund” maintained by the Board. Out of the said contribution Eighty per cent. shall be given to the concerned local market committee and twenty per cent. shall be retained by the Board as the Development Fund.

(3) The State Government may, every year, make payment to the Board, by way of contribution or grants of an amount not less than five per cent. of the aggregate amount contributed to the Board by the market committees under this section.

(4) The Board may spend the fund, so maintained under sub-section (2), in development of common marketing infrastructure, skill development, training, research and pledge financing and for such other activities as would aid in creating an efficient marketing system in the State.”.

**20. Insertion of new section 42A in Guj.20 of 1964.** -- In the principal Act, after section 42, the following section shall be inserted, namely:-

**Bar of  
jurisdiction of  
civil courts.**

**“42A.** (1) No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with.

(2) No court shall take cognizance of an offence under this Chapter, except upon a complaint made by the Director or the Managing Director or by any other officer authorized by him in this behalf.”.

**21. Insertion of new section 43A in Guj.20 of 1964.** -- In the principal Act, after section 43, the following section shall be inserted, namely:-

**Compounding of  
offences.**

**“43A.** (1) The market committee may accept a sum of money as decided by it from any person who has contravened any of the provisions of the Act, the rules or the bye-laws, made thereunder by way of compounding of such offence where the offence consists of the failure to pay or the evasion of any fee, user charge, or other amount leviable and recoverable under this Act, the rules or the bye-laws in addition to the fee, user charge or other amount so leviable and recoverable, a sum of money not less than the amount of the fee or other amount and not more than two times the amount of fee or other amount.

(2) On compounding of any offence under sub- section (1), no proceedings shall be taken or continued against the person concerned in respect of such an offence, and if any proceedings in respect of that offence have already been instituted against him in any court, the compounding shall have effect of dropping of charges against him.”.

**22. *Amendment of section 47 of Guj.20 of 1964.*** -- In the principal Act, in section 47, after sub-section (2), the following sub-sections shall be added, namely:-

“(3) Where the Director is satisfied that the books of accounts and records of a market committee are likely to be suppressed, tampered with or destroyed, or the funds and property of a market committee are likely to be misappropriated or misapplied, the Director may by order direct for seizure and taking possession of the books of accounts, records and property of the market committee.

(4) On receipt of the order under sub-section (3), the police officer not below the rank of Sub-Inspector of the local area shall enter and search any place where the records and property are kept or are likely to be kept and to seize them and hand over possession thereof to the Director or the person authorised by him, as the case may be.”.

**23. *Insertion of new section 49A in Guj.20 of 1964.*** -- In the principal Act, after section 49, the following section shall be inserted, namely:-

**Power to  
borrow.**

**“49A.** (1) The market committee may, with the previous sanction of the Director, raise money from banks, Government approved financial institutions, required for carrying out the purposes for which it is established on the security of any property vested in it and of any fees or user charge leviable by it under this Act.

(2) The market committee may, for the purpose of meeting the initial expenditure on lands, buildings, staff and equipments required for establishing the market, obtain a loan from the State Government or the Board or other approved financial institution.

(3) The terms and conditions subject to which money or loan shall be raised or obtained under sub-sections (1) or (2) and the time limit within which the same shall be repayable shall be subject to the previous sanction of the Director.”.

**24. Amendment of section 58 of *Guj.20 of 1964*.** -- In the principal Act, in section 58, in sub-section (1), -

- (i) after the words “against a market committee” the words “or the Director or the Managing Director or the officer of the State Government” shall be substituted;
- (ii) after the words “and in case of”, the words “the Director or the Managing Director or the officer of the State Government or” shall be substituted.

**25. Insertion of new section 58A in *Guj.20 of 1964*.** -- In the principal Act, after section 58, the following section shall be inserted, namely:-

**Power to  
remove difficulty  
in giving effect  
to provisions of  
*Guj. Ord. 3 of  
2020*.**

**“58A.** (1) If any difficulty arises in giving effect to the provisions of the Gujarat Agricultural Produce Markets (Amendment) Ordinance, 2020, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of the said Act, as appears to it to be necessary or expedient for removing the difficulty:

***Guj. Ord. 3 of  
2020*.**

Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of the said Act.

- (2) Every order made under this section shall, as soon as may be, after it is made, be laid before the State Legislature.”.

**26. Amendment of section 59 of *Guj. 20 of 1964*.** -- In the principal Act, in section 59, in sub-section (2), before clause (i), the following clauses shall be inserted, namely:-

- “ (ia) the form, manner and fee for application by the owner of warehouse, cold storage or such other structure or place for declaration such place as sub-market yard under section 7A;

- (iaa) the value of immovable or movable property exceeding which the market committee cannot acquire or dispose of it without the prior permission of the Director under section 10;
- (iab) the manner of electing the representative of licensed commission agent under clause (vi) of sub-section (3) of section 11A;
- (iac) the manner of establishing and running e-trading platform for trading in notified agricultural produce under sub-section (2) of section 31S;
- (iad) the form, the manner, the fee, the security or bank guarantee for granting or renewing licence to establish e-trading platform on such terms and conditions under sub-section (1) of section 31T;
- (iae) the infrastructures and the services and the manner for providing it under sub-section (3) of section 31T;
- (iaf) the manner of payment to the seller of notified agricultural produce traded on e-platform under sub-section (1) of section 31X;
- (iag) the time, manner and forms in which the licensee or the market committee shall maintain accounts and submit it to the Managing Director or the authorised officer under sub-section (2) of section 31X;
- (iah) the disqualifications that may be incurred by the holder of the licence that may be reason to suspend or cancel the licence under clause (e) of sub-section (1) of section 31Y;
- (iai) the limit of quantity up to which the notified agricultural produce could be sold or purchased out of the principal market yards, sub-market yards and market sub-yards private markets yards or at the e-trading platforms under clause (i) of sub-section (2) of section 31ZB;
- (iaj) the limit, the value and numbers of livestock in business of purchasing and selling of it, under sub-section (3) of section 31ZB;

- (iak) the form of agreement to be executed under sub-section (1) of section 31 ZC;
- (ial) the manner to allow the holder of unified single trading licence to undertake trade transaction under section 31ZD;
- (iam) the market fee and other marketing charges payable by the licensee under section 31ZD;
- (ian) the manner of contribution to the Development Fund under section 34M;”.



### STATEMENT

The Gujarat Agricultural Produce Markets Act, 1963 has been amended from time to time in the State of Gujarat with a view to keeping in mind the central idea of the welfare of farmers as well as traders. Modern trading and marketing practices have been changed a lot with the great advantages by way of electronic virtual market and a big improvement in logistic and infrastructural facilities. The Government of India had constituted a Committee in 2016 to examine and address the entire segment of post-production activities and to recommend a Model Act. The main idea behind this is to create a conducive environment for healing competition, by enabling multiple channels of marketing without letting anyone including Government led APMC to hold sway as a monopoly. With this the farmer-producer will come to be unchained to carry his produce to any market and sell to whoever offers him a better price. The model Act prepared and forwarded to all the State and UT is not just addresses marketing of field crops but also covers livestock, poultry, fisheries etc. The Central Government has recommended to make all the States and UTs to adopt necessary changes to suit the local variations while all the time, ensuring that the spirit of competition is encouraged and the principle of “Farmer first” is kept in mind.

In the State of Gujarat, prior to the Gujarat Agricultural Produce Markets Act, 1963, the Bombay Agricultural Produce Markets Act 1939 and the Saurashtra Agricultural Produce Markets Act 1955 were in force. So the State of Gujarat always remains front runner in this sphere of farmer welfare legislation. Gujarat has updated its APMC Act 1963 not less than 11 times by way of amendments so as to keep space with modern requirement of co-operative marketing and for promotion and facilitating the farmers friendly environment.

In view of the suggested model draft Act by the expert committee of the Government of India, some amendments are made in the Gujarat Agricultural Produce Markets Act 1963. It is also necessary to bring

marketing of livestock such as cow, buffalo, bullock, bull, goat and sheep, etc. and also poultry and fish under the ambit of this Act.

As the Legislative Assembly of the State of Gujarat is not in session, the Gujarat Agricultural Produce Markets (Amendment) Ordinance, 2020 is promulgated to amend the said Act to achieve the aforesaid objects.

Gandhinagar.  
Dated the 6<sup>th</sup> May, 2020.

**ACHARYA DEVVRAT,**  
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**MANISH BHARDWAJ,**  
Secretary to Government.

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# The Gujarat Government Gazette

EXTRAORDINARY  
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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

## PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to  
by the President on the 28<sup>th</sup> May, 2020 is hereby published for general  
information

**K. M. LALA,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 4 OF 2020.

(First published, after having received the assent of the President, in  
the “Gujarat Government Gazette”, on the 19<sup>th</sup> June, 2020.)

### AN ACT

further to amend the Registration Act, 1908 in its application to the State of  
Gujarat

It is hereby enacted in the Sixty-ninth Year of the Republic of India  
as follows:-

1. (1) This Act may be called the Registration (Gujarat Amendment) Act, 2018. **Short title and commencement.**

(2) It shall come into force on such date, as the State Government may, by  
notification in the *Official Gazette*, appoint.

**Amendment of section 17 of XVI of 1908.** **2.** In the Registration Act, 1908, in its application to the State of Gujarat **XVI of 1908.** (hereinafter referred to as “the principal Act”), in section 17,-

(i) in sub-section (1), -

(a) for clause (f), the following clause shall be substituted, namely:-

**Guj.16 of 2016.** “(f) power of attorney intending to administer, manage and/or alienate immovable property in any manner, executed on or after the commencement of the Registration (Gujarat Amendment) Act, 2016;”;

(b) after clause (j), the following clause shall be added, namely:-

“(k) sale certificate issued by any competent officer or authority under any Central Act or State Act for the time being in force.”;

(ii) in sub-section (2), clause (xii) shall be deleted.

**Amendment of section 32 of XVI of 1908.** **3.** In the principal Act, in section 32, the following Explanation shall be added at the end, namely:-

“**Explanation.-** For the purpose of this section the term “document” shall include the document presented by an electronic means.”.

**Amendment of section 34 of XVI of 1908.** **4.** In the principal Act, in section 34, -

(i) after sub-section (1), the following sub-section shall be inserted, namely:-

“(1A) The registering officer may refuse to accept the non-testamentary documents relating to immovable property mentioned in sub-section (1) of section 17, if they are not accompanied by the -

- (a) proofs of identity of executing and claiming parties and witnesses;
- (b) proofs of authorization when the executant or claimant thereunder is representative or agent authorized by the person or entity whose document is to be registered;

- (c) sign or thumb impression/finger print (if the person is unable to sign) of one person from both executing and claiming parties, affixed on each and every page of the deeds submitted for registration;
- (d) proof that the principal is alive, in cases where the document is executed by the power of attorney holder on behalf of the principal.”;

(ii) the following Explanation shall be added at the end, namely:-

**“Explanation.-** For the purpose of this section the term “document” shall include the document presented by an electronic means.”.

5. (1) In the principal Act, in section 35, the following Explanation shall be added at the end, namely:-

**Amendment of section 35 of XVI of 1908.**

**“Explanation.-** For the purpose of this section the term “document” shall include the document presented by an electronic means.”.

6. In the principal Act, in section 69, in sub-section (1), after clause (j), the following clause shall be added, namely:-

**Amendment of section 69 of XVI of 1908.**

“(k) regulating the procedure for presentation of document, appearance for admission, endorsement, manner of affixing signature and seal, mode of payment of registration fees and other fees and such other process when the document is presented by electronic means.”.

7. In the principal Act, after section 89, the following sections shall be inserted, namely:-

**Insertion of new sections 89A, 89B, 89C and 89D in XVI of 1908.**

**Copies of court decrees, attachment orders, etc., to be sent to Registering Officers and filed in registers.**

**“89A. (1) Every court passing,-**

- (a) any decree or order creating, declaring, transferring, limiting or extinguishing any right, title or interest to or immovable property in favour of any person, or
- (b) an order to interim attachment or attachment of immovable property or for the release of any

immovable property from such attachment shall, in accordance with the rules made in this behalf,

shall send a copy of such decree or order together with a memorandum describing the property as far as may be practicable, in the manner required by section 21, to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such decree or order, is situated, and such officer shall file the copy of the memorandum in his Book No 1:

Provided that, where the immovable property is situated within the local limits of the jurisdiction of more than one Registering Officer, the procedure specified in clauses (a) and (b) of this sub-section shall be followed in respect of the property within the jurisdiction of each of such officer.

(2) Every officer issuing a certificate of sale or a written demand before the attachment of the immovable property of a defaulter under the provisions of any law relating to Revenue Recovery for the time being in force including the Revenue Recovery Act, 1890, shall,-

1 of 1890.

- (a) send a copy of such certificate of sale or written demand together with a memorandum describing the property, as far as may be practicable, in the manner required by section 21;
- (b) where such written demand is withdrawn or attachment of property is lifted or the property sold and sale is confirmed, send a memorandum indicating that fact and describing that property, as far as may be practicable, in the manner required section 21, to the Registering Officer

within the local limits of whose jurisdiction the whole or any part of the immovable property to which the written demand is situate, and such registering officer shall file a copy of the written demand and memorandum in his Book No 1:

Provided that, where the immovable property is situate within the local limits of the jurisdiction of more than one Registering Officer, the procedure specified in clauses (a) and (b) of this sub-section shall be followed in respect of the property within the jurisdiction of each of such officers.

Notice to be sent to Registering Officers by mortgag or in case of mortgage by depositing title deeds and provisions for compensation in favour of subsequent transferee.

**89B.** (1) Every person who has mortgaged immovable property by way of mortgage by depositing title deeds under clause (f) of section 58 of the Transfer of Property Act, 1882 shall, within 30 days from the date of mortgaged, file a notice of intimation of his having so mortgaged the property giving details of his name and address, name and address of mortgagee, date of mortgage, amount received under the mortgage, rate of interest payable, list of documents deposited, and description of the immovable property in the manner required by section 21, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property is situated, and the said officer shall file the same in his Book No 1:

4 of 1882.

Provided that if the property so mortgaged falls within the jurisdiction of more than one registering officer, the procedure specified in this sub-section shall be followed in respect of property within the jurisdiction of each of such officers.

(2) If, the person who has mortgaged the property as aforesaid fails to file a notice within 30 days as referred to in sub-section (1) before the registering officer or officers, as the case may be and enters into any transaction in relation to of affecting the immovable property which is subject matter of the mortgage, with a third party, such a transaction shall be void and the third party shall be entitled to refund any amount paid by him together with interest at twelve per cent. from the date of payment and also to compensation for any damages suffered by him, from the transferor.

(3) The amount recoverable by such transferee as specified in sub-section (2) shall be a charge on the interest of the mortgagor, in the mortgaged property:

Provided that, nothing in this section shall apply to the instruments of agreement relating to mortgage by deposit of title deeds which are duly registered under the provisions of this Act.

**Punishment for failure to file notice under section 89B.**

**89C.** Any person who fails to file a notice under section 89B to the registering officer along with fees, within the period specified in that section, shall be punished with imprisonment for a term which shall not be less than one years but which may be for a term which may be extend up to three years and shall also be liable to fine.

**Power to make rules for filing of true copies of documents and notices referred in sections 89A and 89B.**

**89D.** (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of section 89A and section 89B.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for,-



- (a) the manner in which notices or true copies of documents shall be prepared, and
  - (b) the manner of filing of the notices or true copies.
- (3) All rules made under this section shall, be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make, during the session in which they are so laid or the session immediately following.
- (4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

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# The Gujarat Government Gazette

## EXTRAORDINARY

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#### PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.

#### AGRICULTURE, FARMERS WELFARE AND CO-OPERATION DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 22<sup>nd</sup> June, 2020.

#### GUJARAT ORDINANCE NO. 4 OF 2020.

#### AN ORDINANCE

*further to amend the Gujarat Fisheries Act, 2003.*

WHEREAS the Legislative Assembly of the State of Gujarat is not  
in session;

Guj. 8 of 2003. AND WHEREAS the Governor of Gujarat is satisfied that  
circumstances exist which render it necessary for him to take immediate  
action to amend the Gujarat Fisheries Act, 2003;

NOW, THEREFORE, in exercise of the powers conferred by clause  
(1) of article 213 of the Constitution of India, the Governor of Gujarat is  
hereby pleased to make and promulgate the following Ordinance, namely :-

**1. *Short title and commencement.***- (1) This ordinance may be called the Gujarat Fisheries (Amendment) Ordinance, 2020.

(2) It shall come into force at once.

**Guj. 8 of 2003.**

**2. *Guj. 8 of 2003 to be temporarily amended.***- During the period of operation of this Ordinance, the Gujarat Fisheries Act, 2003 (hereinafter referred to as “the principal Act”), shall have effect subject to the amendments specified in sections 3 to 8.

**3. *Amendment of section 2 of Guj. 8 of 2003.***- In the principal Act, in section 2, -

- (i) to clause (a), the following proviso shall be added, namely:-  
“Provided that the District Magistrate shall be the Adjudicating Officer for the purpose of clause (c) of sub-section (1) of section 17;”;
- (ii) after clause (b), the following clause shall be inserted, namely:-  
“(bb) “crossing of notional Indo-Pak International Maritime Boundary Line” means an act of fishing vessel entering any area in the “No Fishing Zone” as notified by the Ministry of Home Affairs on 4<sup>th</sup> May, 1993 which is situated within the territorial waters;”;
- (iii) for clause (c), the following clause and the proviso thereunder shall be substituted, namely:-  
“(c) “Enforcement Officer” means such fishery officer or any Police Sub- Inspector or above, posted in the Marine Police Station as notified by the State Government under clause (s) of section 2 of the Code of Criminal Procedure, 1973 as the State Government may appoint for the purpose of section 15: 2 of 1974.  
Provided that the Sub-Divisional Magistrate of the concerned area shall be the Enforcement Officer for the purpose of clause (f) of sub-section (1) of section 21.”.

**4. Amendment of section 6 of Guj. 8 of 2003.-** In the principal Act, in section 6, in the marginal note, after the words “to protect fish”, the words “and to ensure internal security” shall be added.

**5. Amendment of section 15 of Guj. 8 of 2003.-** In the principal Act, in section 15, -

- (i) in clause (iii), the word “and” appearing at the end shall be deleted;
- (ii) in clause (iv), the words “and in other cases, to the Police officer in charge of a police station” shall be deleted;
- (iii) after clause (iv), the following clauses shall be added, namely:-
  - “(v) use such force for taking any action under clause (i) as may reasonably be necessary,
  - (vi) where any vessel or other things are seized by the Enforcement Officer, the same may reasonably be necessary,
  - (vii) provide to the seized vessel, the docking facility by the port notified for the purpose and charges towards docking, maintenance and other related costs of the seized vessel in the manner as may be prescribed, and
  - (viii) produce the seized vessel or other things before a magistrate competent to try an offence under this Act as soon as possible and the magistrate may make such order therefor as he may deem fit.”.

**6. Amendment of section 17 of Guj. 8 of 2003.-** In the principal Act, in section 17, in sub-section (1),-

- (1) in clause (a), the word “or” appearing at the end shall be deleted;
- (2) in clause (b), for the words” such permission” appearing at the end, the words “such permission, or” shall be substituted;

- (3) after clause (b), the following clause shall be inserted,  
namely:-

“(c) the Sub-Divisional Magistrate under clause (f) of sub-section (1) of section 21 imposing fine on the person entering the territorial water,”.

**7. Amendment of section 21 of Guj. 8 of 2003.-** In the principal Act, in section 21, in sub-section (1), after clause (e), the following clause shall be added, namely:-

“(f) Whoever enters the territorial waters with the fishing vessel from outside the territorial waters of the State for the purpose of fishing or for any other allied purpose in contravention of any provision of this Act shall be punishable by the Sub-Divisional Magistrate of the concerned area with fine of rupees one lakh and five times the value of the fish captured by such person.”.

**8. Amendment of section 23 of Guj. 8 of 2003.-** In the principal Act, in section 23, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence other than the offence punishable under clause (b), (c), (d) or (f) of sub-section (1) of section 21 shall be cognizable.”.

**STATEMENT**

As everybody is aware, Gujarat State has the longest coastline in India and is a State having very strategic location in India. It is therefore, utmost necessity to guard the national boundary across the Gujarat Coast.

The State of Gujarat being strategically located in India has unique issues that require urgent attention. It is also necessary that the safety and well-being of the fishermen doing fishing operations along the Gujarat Coast should also be maintained. It is therefore, necessary to see that no unscrupulous persons enter or pass through the territorial waters of Gujarat State without proper registration. For the purpose, it is also necessary to check the fishing vessels as also their identity while they are undertaking fishing activities so that no anti-social or anti-national activities take place under the garb of fishing.

The Gujarat Fisheries Act, 2003 has been enacted and the Gujarat Fisheries Rules, 2003 have been made thereunder to provide for protection, conservation, development and regulation of fisheries in inland and territorial waters of the State of Gujarat and for matters connected therewith or incidental thereto. It is found necessary to amend the provisions of the said Act and the rules to provide for a mechanism to regulate and monitor the fishing vessels and the fishing activities by empowering the police to work in cooperation with the fisheries officers and the coast guards so that the security of the State is not jeopardized by anybody under the garb of the fishing activities in the territorial waters. Certain provisions of the said Act are therefore, amended.

As the Legislative Assembly of the State of Gujarat is not in session, this Ordinance is promulgated to amend the Gujarat Fisheries Act, 2003, to achieve the aforesaid object.

Gandhinagar,  
Dated the 20<sup>th</sup> June, 2020

**ACHARYA DEVVRAT**  
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**MANISH BHARDWAJ,**  
Secretary to Government.



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# The Gujarat Government Gazette

## EXTRAORDINARY

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#### PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.

#### LABOUR AND EMPLOYMENT DEPARTMENT

Sachivalaya, Gandhinagar. Dated the 3<sup>rd</sup> July, 2020.

#### GUJARAT ORDINANCE NO. 5 OF 2020.

#### *AN ORDINANCE*

*further to amend the Industrial Disputes Act, 1947 in its application to the  
State of Gujarat.*

WHEREAS the Legislative Assembly of the State of Gujarat is not  
in Session;

AND WHEREAS the Governor of Gujarat is satisfied that  
circumstances exist which render it necessary for him to take immediate  
action to amend the Industrial Disputes Act, 1947 in its application to the  
State of Gujarat;

XIV of 1947.

AND WHEREAS instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely: -

**1. *Short title and commencement.***- (1) This Ordinance may be called the Industrial Disputes (Gujarat Amendment) Ordinance, 2020.

(2) It shall come into force at once.

**2. *XIV of 1947 to be temporarily amended.***- During the period of operation of this Ordinance, the Industrial Disputes Act, 1947 (hereinafter referred to as “the principal Act”), in its application to the State of Gujarat, shall have effect subject to the amendments specified in sections 3 to 5.

**3. *Amendment of section 25K of XIV of 1947.*** -- In the principal Act, in section 25K,-

(i) in sub-section (1), for the words “one hundred”, the words “three hundred” shall be substituted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:-

“(1A) Without prejudice to the provisions of sub-section (1), the State Government may, if satisfied that the maintenance of industrial peace or prevention of victimization of workmen so requires, by notification in the *Official Gazette*, apply the provision of this Chapter to an industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which such number of workmen which may be less than three hundred but not less than one hundred, as may be specified in the notification, were employed on an average per working day for the preceding twelve months.”.

**4. *Amendment of section 25N of XIV of 1947.*** -- In the principal Act, in section 25N,-



- (i) in sub-section (1), in clause (a), the words “or the workman has been paid in lieu of such notice, wages for the period of the notice” shall be deleted;
- (ii) in sub-section (9), the words “and an amount equivalent to his last three months average pay” shall be added at the end.

**5. *Amendment of section 25O of XIV of 1947.*** -- In the principal Act, in section 25-O, in sub-section (8), the words “and an amount equivalent to his last three months average pay” shall be added at the end.

### STATEMENT

Since its inception, Gujarat has been an industrially progressive State and in the last decade, it has become an industrial hub and growth engine of the country. There have been cordial relations between the industry and the workers and there have been hardly any occasions of strikes or lock-outs. More and more industries are being established in Gujarat and therefore, the State Government has considered it necessary to strike the balance of interests between the industries and the workers and create an environment which is conducive to both, the industry and the workers. Industry and labour are both integral parts which ought to have relationship of professionalism, cordiality, and trust for sustained growth and development as also transforming the general quality of life.

2. Existing provision of section 25K of the Industrial Disputes Act, 1947 provides for applicability of Chapter VB to such industrial establishment (not being an establishment of a seasonal character or in which work is performed only intermittently) in which not less than one hundred workmen were employed on an average per working day for the preceding twelve months. In such establishments, prior permission of the State Government is to be required for the employer before effecting lay off, retrenchment or closure. It is considered necessary to have provision which would help and encourage the employers to employ more number of workers in the establishment and therefore, said section 25K is amended so as to increase the number of workmen from one hundred to three hundred.

3. Existing section 25N provides for conditions precedent to retrenchment of workmen. Under clause (a) of sub-section (1), it is required that three months' notice or in *lieu* of notice wages for notice period is to be given to the workers before retrenchment. To ensure that the employer shall only give notice of three months to such workmen, provision to give wages for notice period in *lieu* of notice is proposed to be deleted. Further, to provide additional financial security to the workman affected by such retrenchment, it considered necessary to amend sub-section (9) to the effect that in addition of that compensation, as prescribed in the said sub-section, the workman is paid an amount equivalent to his last three months average pay.

4. Similar provision is added in sub-section (8) of section 25-O providing for payment to the workman of an amount equivalent to his last three months average pay, along with compensation on prescribed rates, must also be paid to the workers who are being affected by the closure of the establishment.

As the Legislative Assembly of the State of Gujarat is not in session, the Industrial Disputes (Gujarat Amendment) Ordinance, 2020, in its application to the State of Gujarat, is promulgated to amend the said Central Act to achieve the aforesaid objects.

Gandhinagar.

Dated the 1<sup>st</sup> July, 2020.

**ACHARYA DEVVRAT,**

Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**VIPUL MITTRA,**

Additional Chief Secretary to Government.

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# The Gujarat Government Gazette

## EXTRAORDINARY

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#### PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.

#### LABOUR AND EMPLOYMENT DEPARTMENT

Sachivalaya, Gandhinagar. Dated the 3<sup>rd</sup> July, 2020.

#### GUJARAT ORDINANCE NO. 6 OF 2020.

#### AN ORDINANCE

*further to amend the Factories Act, 1948 in its application to the State of  
Gujarat.*

WHEREAS the Legislative Assembly of the State of Gujarat is not  
in session;

LXIII of 1948.

AND WHEREAS the Governor of Gujarat is satisfied that  
circumstances exist which render it necessary for him to take immediate  
action to amend the Factories Act, 1948 in its application to the State of  
Gujarat;

AND WHEREAS instructions of the President under the proviso to  
clause (1) of article 213 of the Constitution of India have been obtained;

NOW, THEREFORE, in exercise of the powers conferred on him  
by clause (1) of article 213 of the Constitution of India, the Governor of  
Gujarat is hereby pleased to make and promulgate the following Ordinance,  
namely: -

**1. *Short title and commencement.***- (1) This Ordinance may be called the Factories (Gujarat Amendment) Ordinance, 2020.

(2) It shall come into force at once.

**LXIII of 1948.** **2. *LXIII of 1948 to be temporarily amended.***- During the period of operation of this Ordinance, the Factories Act, 1948 (hereinafter referred to as “the principal Act”), in its application to the State of Gujarat, shall have effect subject to the amendments specified in sections 3 to 5.

**3. *Amendment of section 2 of LXIII of 1948.***-- In the principal Act, in section 2, in clause (m),-

(i) in sub-clause (i), for the word “ten”, the words “twenty” shall be substituted;

(ii) in sub-clause (ii), for the word “twenty”, the word “forty” shall be substituted.

**4. *Amendment of section 85 of LXIII of 1948.***--In the principal Act, in section 85, in sub-section (1), in clause (i), for the words “ten” and “twenty”, the words “twenty” and “forty” shall be substituted, respectively.

**5. *Insertion of new section 106 in LXIII of 1948.***--In the principal Act, after section 106A, the following section shall be inserted, namely:-

**Compounding  
of offences.**

**“106B.** The State Government may, by notification in the *Official Gazette*, specify such offences, which shall be compounded by such officer or authority for such amount as may be specified in the said notification:

Provided that such amount shall not exceed the maximum amount of fine fixed for the offence:

Provided further that where the offence is so compounded –

(a) before the institution of the prosecution, the offender shall not be liable to prosecution, for such offence;

(b) after the institution of the prosecution, the compounding shall amount to acquittal of the offender:

Provided also that no offence shall be compounded if a factory is involved in a hazardous process as specified in Chapter IV and Chapter IVA. ”.

**STATEMENT**

Under sub-clauses (i) and (ii) of clause (m) of section 2 of the Factories Act, 1948 “factory” has been defined as any premises, including the precincts thereof (i) whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, or (ii) whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on. Because of the existing limit, small units are also covered under the definition of “factory”. Due to increase in manufacturing activities by small units in the State, the existing threshold limit of “ten” and “twenty” is amended by “twenty” and “forty” respectively, so that establishing of small manufacturing units be promoted resulting in creation of more employment opportunities for workers. Consequently, the existing section 85 of the Act is amended.

The Factories Act, 1948 does not provide for compounding of offences and it results in higher number of prosecution cases. For speedy disposal of offences and to minimise the number of litigation, a new provision, *i.e.* section 106B is inserted in the said Central Act of 1948 for compounding of offences.

As the Legislative Assembly of the State of Gujarat is not in session, the Factories (Gujarat Amendment) Ordinance, 2020, in its application to the State of Gujarat, is promulgated to amend the said Central Act to achieve the aforesaid objects.

Gandhinagar.  
Dated the 1<sup>st</sup> July, 2020.

**ACHARYA DEVVRAT,**  
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**VIPUL MITTRA,**  
Additional Chief Secretary to Government.

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## EXTRAORDINARY

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#### PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.

#### LABOUR AND EMPLOYMENT DEPARTMENT

Sachivalaya, Gandhinagar. Dated the 20<sup>th</sup> July, 2020.

#### GUJARAT ORDINANCE NO. 7 OF 2020.

#### AN ORDINANCE

*further to amend the Contract Labour (Regulation and Abolition) Act, 1970  
in its application to the State of Gujarat.*

WHEREAS the Legislative Assembly of the State of Gujarat is not  
in session;

AND WHEREAS the Governor of Gujarat is satisfied that  
circumstances exist which render it necessary for him to take immediate  
37 of 1970. action to amend the Contract Labour (Regulation and Abolition) Act, 1970  
in its application to the State of Gujarat;

AND WHEREAS instructions of the President under the proviso to  
clause (1) of article 213 of the Constitution of India have been obtained;

NOW, THEREFORE, in exercise of the powers conferred on him by  
clause (1) of article 213 of the Constitution of India, the Governor of Gujarat  
is hereby pleased to make and promulgate the following Ordinance, namely:-

**1. *Short title and commencement.***- (1) This Ordinance may be called the Contract Labour (Regulation and Abolition) (Gujarat Amendment) Ordinance, 2020.

(2) It shall come into force at once.

**2. *37 of 1970 to be temporarily amended.***- During the period of operation of this Ordinance, the Contract Labour (Regulation and Abolition) Act, 1970 (hereinafter referred to as “the principal Act”), in its application to the State of Gujarat, shall have effect subject to the amendments specified in section 3.

**3. *Amendment of section 1 of 37 of 1970.***-- In the principal Act, in section 1, in sub-section (4),-

- (i) in clause (a), for the word "twenty", the word "fifty" shall be substituted;
- (ii) in clause (b), for the word "twenty", the word "fifty" shall be substituted;
- (ii) in the proviso, for the word "twenty", the word "fifty" shall be substituted.



**STATEMENT**

The Contract Labour (Regulation and Abolition) Act, 1970 has been enacted by the Government of India as a means of regulating and ensuring the conditions of service and the payments to the labour employed by the industries.

During the present situation prevailing due to the COVID - 19, it is necessary to boost the economic activity and by way of offering an economic revival package in the State, it is felt that the establishments and contractors which employ more 50 people or more (previously 20) may be covered under the Act. It is also felt that because of the existing threshold limit, principal employers while hiring personnel or procuring commodities find it difficult to execute contracts, as the small units face hardship in ensuring formalities under the Act. It has been observed that the lower limit either encourages noncompliance or restricts the engagement of required labour as per demand. It is therefore, proposed that the existing threshold limit needs upward revision so as to provide more opportunity of employment and facilitate business in small units.

As the Legislative Assembly of the State of Gujarat is not in session, the Contract Labour (Regulation and Abolition) (Gujarat Amendment) Ordinance, 2020, in its application to the State of Gujarat, is promulgated to amend the said Central Act to achieve the aforesaid objects.

Gandhinagar.  
Dated the 17<sup>th</sup> July, 2020.

**ACHARYA DEVVRAT,**  
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**VIPUL MITTRA,**  
Additional Chief Secretary to Government.

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## EXTRAORDINARY

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#### PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.

LABOUR AND EMPLOYMENT DEPARTMENT  
Sachivalaya, Gandhinagar, Dated the 7<sup>th</sup> August, 2020.

GUJARAT ORDINANCE NO. 8 OF 2020.

#### AN ORDINANCE

*further to amend the Industrial Disputes Act, 1947 and the Factories Act, 1948  
in their application to the State of Gujarat.*

**WHEREAS** the Legislative Assembly of the State of Gujarat is not  
in Session;

**AND WHEREAS** the Governor of Gujarat is satisfied that  
circumstances exist which render it necessary for him to take immediate  
action to amend the Industrial Disputes Act, 1947 and the Factories Act,  
1948 in their application to the State of Gujarat;

**AND WHEREAS** instructions of the President under the proviso to  
clause (1) of article 213 of the Constitution of India have been obtained;

LXIII of 1948.  
XIV of 1947.

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely: -

**1. *Short title and commencement.***- (1) This Ordinance may be called the Labour Laws (Gujarat Amendment) Ordinance, 2020.

(2) It shall come into force at once.

**2. *XIV of 1947 and LXIII of 1948 to be temporarily amended.***- During the period of operation of this Ordinance, the Industrial Disputes Act, 1947 (hereinafter referred to as "the Industrial Disputes Act") and the Factories Act, 1948 (hereinafter referred to as "the Factories Act"), in their application to the State of Gujarat, shall have effect subject to the amendments specified in sections 3 and 4, respectively.

XIV of 1947.  
LXIII of 1948.

**3. *Insertion of new section 36C in XIV of 1947.*** — in the Industrial Disputes Act, after section 36B, the following section shall be inserted, namely:-

Power of State  
Government to  
exempt new  
industries from  
the provisions  
of the Act.

**"36C.** Where the State Government is satisfied in relation to any new industrial establishment or new undertaking or class of new industrial establishments or new undertakings that it is necessary in the public interest, it may, by notification in the *Official Gazette*, exempt, conditionally or unconditionally, any such new establishment or new undertaking or class of new establishments or new undertakings from all or any of the provisions of this Act for a period of one thousand days from the date of establishment of such new industrial establishment or new undertaking or class of new establishments or new undertakings, as the case maybe.

Guj. Ord. 8  
of 2020.

***Explanation.***- For the purposes of this section, the expression "new industrial establishment or new undertaking or class of new industrial establishments or new undertakings" means such industrial establishment or undertaking or class of industrial establishments or undertakings which are established within a period of one thousand days after the commencement of the Labour Laws (Gujarat Amendment) Ordinance, 2020."

**4. Insertion of new section 5A in LXIII of 1948.--** In the Factories Act, in after section 5, the following section shall be inserted, namely:-

Power of State  
Government to  
exempt new  
industries from  
the provisions  
of the Act.

**"5A.** Where the State Government is satisfied in relation to any new industrial establishment or new undertaking or class of new industrial establishments or new undertakings that it is necessary in the public interest, it may, by notification in the *Official Gazette*, exempt, conditionally or unconditionally, any such new establishment or new undertaking or class of new establishments or new undertakings from all or any of the provisions of this Act for a period of one thousand days from the date of establishment of such new industrial establishment or new undertaking or class of new establishments or new undertakings, as the case maybe.

Guj. Ord. 8  
of 2020.

***Explanation.-*** For the purposes of this section, the expression "new industrial establishment or new undertaking or class of new industrial establishments or new undertakings" means such industrial establishment or undertaking or class of industrial establishments or undertakings which are established within a period of one thousand days after the commencement of the Labour Laws (Gujarat Amendment) Ordinance, 2020."

**STATEMENT**

The Industrial Disputes Act, 1947 provides for the machinery and procedure for the investigation and settlement of industrial disputes. The provisions of the Act had been amended from time to time in the light of experience gained in its actual working. Whereas the object of the Factories Act, 1948 is to ensure adequate safety measures and to promote the health and welfare of the workers employed in factories.

2. At present, there is no such provision exists in both the said central Acts which empowers the State Government to exempt for temporary period to new establishments or undertakings from all or any of the provisions of both the said central Acts.

3. Whereas due to wide spread corona virus pandemic extraordinary situation has arisen requiring lock down of all activities countrywide resulting in possible slowdown of economic activities in the State and therefore, with a view to protecting, safeguarding new factories and establishments from the vicious effects of the said epidemic, it is necessary that the State Government should take sufficient measures to safeguard the said factories and establishments in carrying out the economic activities and to boost economic activities, so as to attract investment in new projects and generate employment.

4. Accordingly, new section 36C is inserted in the Industrial Disputes Act, 1947 and similarly new section 5A is inserted in the Factories Act, 1948 so as to empower the State Government to exempt for a period of one thousand days to new establishments or undertakings from all or any of the provisions of both the said central Acts.

As the Legislative Assembly in the State of Gujarat is not in session, the Labour Laws (Gujarat Amendment) Ordinance, 2020 is promulgated to achieve the aforesaid objects.

Gandhinagar.  
Dated the 6<sup>th</sup> August, 2020.

**ACHARYA DEVVRAT,**  
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**VIPUL MITTRA,**  
Additional Chief Secretary to Government.

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Extra No. 13



सत्यमेव जयते

વાર્ષિક લવાજમનો દર રૂ. ૪,૦૦૦/-



# The Gujarat Government Gazette

## EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

#### PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.

#### REVENUE DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 21<sup>st</sup> August, 2020.

#### GUJARAT ORDINANCE NO. 9 OF 2020.

#### AN ORDINANCE

*further to amend the Gujarat Tenancy and Agricultural Lands Act, 1948,  
the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands  
Ordinance, 1949 and the Gujarat Tenancy and Agricultural Lands  
(Vidarbha Region and Kutch Area) Act, 1958.*

WHEREAS the Legislative Assembly of the State of Gujarat is not  
in session;

Bom. LXVII of 1948.  
Sau. Ord. XLI of 1949.  
Bom. XCIX of 1958.

AND WHEREAS the Governor of Gujarat is satisfied that  
circumstances exist which render it necessary for him to take immediate  
action to amend the Gujarat Tenancy and Agricultural Lands Act, 1948, the  
Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands  
Ordinance, 1949 and the Gujarat Tenancy and Agricultural Lands  
(Vidarbha Region and Kutch Area) Act, 1958;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely: -

**1. *Short title and commencement.*** - (1) This Ordinance may be called the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Ordinance, 2020.

(2) It shall come into force at once.

**Bom. LXVII  
of 1948.**

**Sau. Ord.  
XLI of 1949.**

**Bom. XCIX  
of 1958.**

**2. *Bom. LXVII of 1948, Sau. Ord. XLI of 1949 and Bom. XCIX of 1958 to be temporarily amended.***- During the period of operation of this Ordinance, the Gujarat Tenancy and Agricultural Lands Act, 1948, (hereinafter referred to as “the Gujarat Tenancy and Agricultural Lands Act”), the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 (hereinafter referred to as “the Saurashtra Ordinance”) and the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 (hereinafter referred to as “the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act”) shall have effect subject to the amendment specified in sections 3 to 8, respectively.

**3. *Amendment of section 63AA of Bom. LXVII of 1948.***- In the Gujarat Tenancy and Agricultural Lands Act, in section 63AA,-

(1) in sub-section (4A), for the existing proviso, the following proviso shall be substituted, namely: -

“Provided that such permission shall be granted by the Collector only upon the payment of -

(a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);

- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided however that, -

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide*



industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;

- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”;

(2) in sub-section (4B), in clause (vi), for the existing proviso, the following proviso shall be substituted, namely: -

“Provided that, -

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in Common General Development Control Regulations;
- (ii) sub-clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;

- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”.

**4. Insertion of new section 63AAA in Bom. LXVII of 1948.-** In the Gujarat Tenancy and Agricultural Lands Act, after section 63AA, the following new section shall be inserted, namely: -

Sale of land for  
the purposes  
other than  
industrial  
purposes.

**“63AAA.** (1) The sale of land for other than bonafide industrial purpose shall be permitted in certain cases which are declared by State Government from time to time:

Provided that-

Bom. V of  
1879.

- (a) Nothing in section 63 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Gujarat Land Revenue Code, 1879 in favour of any person or institution for use of such land for other than bonafide industrial purpose like Agricultural University, Animal Husbandry University, Education, Medical Education and Health. The area of land for these purposes may be decided

by the State Government by notification in the *Official Gazette* and the State Government may also declare other purposes from time to time.

(b) Where the area of land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Revenue Secretary, Gujarat State or such other officer as the State Government may by an order authorize in this behalf,

(c) Where the land proposed to be sold is owned by a person belonging to the Scheduled Tribe, the sale shall be subject to the provisions of section 73AA of the Gujarat Land Revenue Code, 1879.

Bom. V of  
1879.

(2) Nothing in section 63A shall apply to any sale made in pursuance of sub-section (1).

(3) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as “the purchaser”), he shall within thirty days from the date of the purchase of the land for purpose shown in sub-section (1) send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.

(b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agriculture assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.

- (c) On receipt of the notice of the purchase of land alongwith other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit and if he-
  - (i) is satisfied that such land has been validly purchased in accordance with the provisions of sub-section (1), shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed;
  - (ii) is not satisfied, shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of such land to the purchaser shall be deemed to be in contravention of section 63.
- (d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause (ii) of clause (c) may file an appeal to the State Government or such other officer as it may, by an order, authorise in this behalf.
- (ii) The State Government or the authorized officer shall, after giving the appellant an opportunity of being heard, pass such order on the appeal as it or he deems fit.
- (4) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or directions of the Central Government or the State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for purpose shown in sub-section (1) before the land is put to use for such purpose.
- (b) The area of land which is desired to be sold, shall not be used for any other purpose other than intended to use.

- (c) The purchaser shall start providing of services or use of land within three years from the date of the permission is given for purchase of such land.

Provided that if the purchaser can not start providing services or use of land within three years in the circumstances as may be prescribed, he may make an application to the collector to extend such period and the Collector may, after making such inquiry as he deems fit, by an order extend such period by another two years:

Provided further that the Collector shall not extend such period for more than a period of one year at a time:

Provided also that such aggregate period of five years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.

- (d) In case where the purchaser fails to start providing of services or use of land within three years from the date of the permission is given for purchase of land, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of –

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;

- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that, -

- (i) such permission for sale of such land shall be granted only for the purpose specified in sub-section (1), however, if such purpose usages not permissible under the Common General Development Control Regulations, in such cases, the permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for the purpose specified in sub-section (1) and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or

into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent. of the prevailing *jantri* value.”.

**5. Amendment of section 55 to Sau. Ord. XLI of 1949.-** In the Saurashtra Ordinance, in section 55,-

(1) in sub-section (3A), for the existing proviso, the following proviso shall be substituted, namely: -

“Provided that such permission shall be granted by the Collector only upon the payment of -

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);
- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided however that, -

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;

- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”;

(2) in sub-section (3B), -

(a) in clause (vi), for the existing proviso, the following proviso shall be inserted, namely: -



“Provided that, -

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”.

6. **Insertion of new section 55A to Sau. Ord. XLI of 1949.**- In the Saurashtra Ordinance, after section 55, the following new section shall be inserted, namely: -

Sale of land  
for the  
purposes  
other than  
industrial  
purposes.

“55A. (1) The sale of land for other than *bonafide* industrial purpose shall be permitted in certain cases which are declared by State Government from time to time:

Provided that-

Bom. V of  
1879.

(a) Nothing in section 54 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Gujarat Land Revenue Code, 1879 in favour of any person or institution for use of such land for other than bonafide industrial purpose like Agricultural University, Animal Husbandry University, Education, Medical Education and Health. The area of land for these purposes may be decided by the State Government by notification in the *Official Gazette* and State Government may also declare other purposes from time to time.

(b) Where the area of land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Revenue Secretary, Gujarat State or such other officer as the State Government may by an order authorize in this behalf,

Bom. V of  
1879.

(c) Where the land proposed to be sold is owned by a person belonging to the Scheduled Tribe, the sale of such land shall be subject to the provisions of section 73AA of the Gujarat Land Revenue Code, 1879.

(2) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as “the purchaser”), he shall within thirty days from the date of the purchase of the land for purpose shown in sub-section (1) send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.

(b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agriculture assessment

leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.

(c) On receipt of the notice of the purchase for the land alongwith other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit and if he -

(i) is satisfied that such land has been validly purchased in accordance with the provisions of sub-section (1), shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed.

(ii) is not satisfied, shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of such land to the purchaser shall be deemed to be in contravention of section 54.

(d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause(ii) of clause (c) may file an appeal to the State Government or such other officer as it may by an order authorise in this behalf.

(ii) The State Government or the authorized officer shall after giving the appellant an opportunity of being heard pass such order on the appeal as it or he deems fit.

(3) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or directions of the Central Government or the State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for purpose shown in sub-section (1) before the land is put to use for such purpose.

- (b) The area of land which is desired to be sold shall not be used for any other purpose other than intended to use.
- (c) The purchaser shall start providing of services or use of land within three years from the date of the permission is given for purchase of such land.

Provided that if the purchaser can not start providing services or use of land within three years in the circumstances as may be prescribed, he may make an application to the collector to extend such period and the Collector may, after making such inquiry as he deems fit, by an order extend such period by another two years:

Provided further that the Collector shall not extend such period for more than a period of one year at a time:

Provided also that such aggregate period of five years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.

- (d) In case where the purchaser fails to start providing of services or use of land within three years from the date of the permission is given for purchase of land, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of –

- (i) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (2) of this section;

- (ii) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (2) of this section;
- (iii) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (2) of this section;
- (iv) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that, -

- (a) such permission for sale of such land shall be granted only for the purpose specified in sub-section (1), however, if such purpose usages not permissible under the Common General Development Control Regulations, in such cases, the permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (b) clauses (a) to (d) shall not apply in the cases of the land which is purchased for the purpose specified in sub-section (1) and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value.”.

7. **Amendment of section 89A to Bom. XCIX of 1958.-** In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, in section 89A, -

(1) in sub-section (4A), for the existing proviso, the following proviso shall be substituted, namely: -

“Provided that such permission shall be granted by the Collector only upon the payment of -

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided however that, -

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;

- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”;

(2) in sub-section (4B), -

- (a) in clause (vi), for the existing proviso, the following proviso shall be inserted, namely: -

Provided that, -

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”.

**8. Insertion of new section 89AA to Bom. XCIX of 1958.-** In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act after section 89A, the following section shall be inserted, namely: -



**Sale of land  
for the  
purposes  
other than  
industrial  
purposes.**

**“89AA.** (1) The sale of land for other than *bonafide* industrial purpose shall be permitted in certain cases which are declared by State Government from time to time:

Provided that-

- (a) Nothing in section 89 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Gujarat Land Revenue Code, 1879 in favour of any person or institution for use of such land for other than bonafide industrial purpose like Agricultural University, Animal Husbandry University, Education, Medical Education and Health. The area of land for these purposes may be decided by the State Government by notification in the *Official Gazette* and State Government may also declare other purposes from time to time.
- (b) Where the area of land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Revenue Secretary, Gujarat State or such other officer as the State Government may by an order authorize in this behalf,
- (c) Where the land proposed to be sold is owned by a person to belonging to the Scheduled Tribe, the sale shall be subject to the provisions of section 73AA of the Gujarat Land Revenue Code, 1879.

**Bom. V of  
1879.**

- (2) Nothing in section 90 shall apply to any sale made in pursuance of sub-section (1).

- (3) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as “the purchaser”), he shall within thirty days from the date of the purchase of the land for purpose shown in sub-section (1) send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.
- (b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agriculture assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.
- (c) On receipt of the notice of the purchase of land alongwith other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit and if he-
- (i) is satisfied that the land has been validly purchased in accordance with the provisions of sub-section (1), he shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed.
  - (ii) is not satisfied, shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of such land to the purchaser shall be deemed to be in contravention of section 89.
- (d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause (ii) of clause (c) may file an appeal to the State Government or such other officer as it may by an order authorise in this behalf.

- (ii) The State Government or the authorized officer shall after giving the appellant an opportunity of being heard pass such order on the appeal as it or he deems fit.
- (4) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or directions of the Central Government or the State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for purpose shown in sub-section (1) before the land is put to use for such purpose.
- (b) The area of land which is desired to be sold shall not be used for any other purpose other than intended to use.
- (c) The purchaser shall start providing of services or use of land within three years from the date of the permission is given for purchase of land.

Provided that if the purchaser can not start providing services or use of land within three years in the circumstances as may be prescribed, he may make an application to the collector to extend such period and the Collector may, after making such inquiry as he deems fit, by an order extend such period by another two years:

Provided further that the Collector shall not extend such period for more than a period of one year at a time.

Provided also that such aggregate period of five years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.

- (d) In case where the purchaser fails to start providing of services or use of land within three years from the date of the permission is given for purchase of land, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of –

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that, -

- (i) such permission for sale of such land shall be granted only for the purpose specified in sub-section (1), however, if such purpose usages not permissible

under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;

- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for the purpose specified in sub-section (1) and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and vice versa or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent. of the prevailing *jantri* value.”.

### STATEMENT

At present, there are three different tenancy laws in operation in the State. In the Bombay area of the State of Gujarat, the Gujarat Tenancy and Agricultural Lands Act, 1948, is in force; in the Kutch area of the State of Gujarat, the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 is in force; whereas in the Saurashtra area of the State of Gujarat, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 is in force.

With the industrial advancement taking place at a rapid rate in the State of Gujarat, a need has arisen to allow certain purchases being made for bonafide industrial use in the State.

The land which is purchased for bonafide industrial use and instead of using, such land is required to sale, at that time such permission for sale of such land shall be granted only for the bonafide industrial purpose, and in case the industrial purpose usage is not permissible under Common General Development Control Regulations, in such cases, the permission shall be granted only for the purpose of use of such land as per the zone declared in Common General Development Control Regulations;

It is also proposed that where the land is sold for *bonafide* industrial purpose, it can be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and vice versa or into limited liability partnership, change in partners, but in such cases, permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;

It is also proposed that in case of the land which is purchased for bonafide industrial purpose and which needs to be transferred under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority, in such cases the purchaser shall apply

for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value; if the person fails to obtain such permission within a period of 60 days, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.

A new section in the tenancy laws applicable in the State of Gujarat is inserted for purchase of land in certain cases like Agricultural University, Animal Husbandry University, Education, Medical Education and Health and also with some conditions as mentioned in the said new section.

As the Legislative Assembly of the State of Gujarat is not in session, this Ordinance is promulgated to amend the said tenancy laws to achieve the aforesaid objects.

Gandhinagar.  
Dated the 21<sup>st</sup> August, 2020.

**ACHARYA DEVVRAT,**  
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**KALPESH SHAH,**  
Additional Secretary to Government.

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Extra No. 14



सत्यमेव जयते

वार्षिक लवाजमनो दर રૂ. ૪,૦૦૦/-



# The Gujarat Government Gazette

**EXTRAORDINARY**  
**PUBLISHED BY AUTHORITY**

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

## PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.

### REVENUE DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 29<sup>th</sup> August, 2020.

### GUJARAT ORDINANCE NO. 10 OF 2020.

#### *AN ORDINANCE*

*to prohibit land grabbing activities and connected matters in the State of Gujarat.*

WHEREAS the Legislative Assembly of the State of Gujarat is not in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances exist which render it necessary for him to take immediate action to make special provisions for prohibiting the land grabbing activities and connected matters in the State of Gujarat;

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:-



**1. Short title, extent and commencement.** - (1) This Ordinance may be called the Gujarat Land Grabbing (Prohibition) Ordinance, 2020.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

**2. Definitions.** - In this Ordinance, unless the context otherwise requires,-

(a) "Committee" means a committee notified from time to time by the State Government under the chairmanship of District Collector for the purposes of this Ordinance;

(b) "Government" means the Government of Gujarat;

(c) "land" includes rights in or over land, benefits to arise out of land, and buildings, structures and other things attached to the earth or permanently fastened to anything attached to the earth;

(d) "land grabber" means a person who commits land grabbing and includes any person who gives financial aid to any person for taking illegal possession of lands or for construction of unauthorized structures thereon, or who collects or attempts to collect from any occupiers of such lands rent, compensation and other charges by criminal intimidation, or who abets the doing of any of the above mentioned acts, and also includes the successors-in-interest;

(e) "land grabbing" means every activity of land grabber to occupy or attempt to occupy with or without the use of force, threat, intimidation and deceit, any land (whether belonging to the Government, a Public Sector Undertaking, a local authority, a religious or charitable institution or any other private person) over which he or they have no ownership, title or physical possession, without any lawful entitlement and with a view to illegally taking possession of such land or creating illegal tenancies or lease or licence, agreements or transfer or sale or by constructing unauthorized structures thereon for sale or hire or use or occupation of such unauthorized structures and the term "grabbed land" shall be construed accordingly;

(f) "person" includes a group or body of persons, an association or a company, or a religious or charitable institution or endowment, whether incorporated or not;

(g) "prescribed" means prescribed by rules made under this Ordinance;

(h) 'Special Court' means a Special Court constituted under section 7;

(i) "unauthorized structures" means any structure constructed, without express permission in writing of the competent authority, or except in accordance with any law for the time being in force in the area.

**3. *Land grabbing to be unlawful.*** - The land grabbing in any form shall be prohibited and declared unlawful and any activity connected with or arising out of land grabbing shall be an offence punishable under this Ordinance.

**4. *Prohibition on land grabbing.*** - (1) No person shall commit or cause to be committed land grabbing, by himself or through any other person.

(2) Any person who, on or after the commencement of this Ordinance, continues to be in occupation, otherwise than as a lawful tenant, of a grabbed land belonging to the Government, local authority, religious or charitable institution or endowment or other private person, shall be guilty of an offence under this Ordinance.

(3) Whoever contravenes the provisions of sub-section (1) or sub section (2) shall on conviction, be punished with imprisonment for a term which shall not be less than ten years but which may extend to fourteen years and with fine which may extend to *Jantri* value of such properties.

**5. *Penalty for other offences in connection with land grabbing.*** -- Whoever, with a view to grabbing land in contravention of the provisions of this Ordinance or in connection with any such land grabbing,-

- (a) sells or allots, or offers or advertises for sale or allotment, or has in his possession for the purpose of sale or allotment any land grabbed;
- (b) instigates or incites any person to commit land grabbing;
- (c) uses any land grabbed or causes or permits knowingly to be used for purposes, connected with sale or allotment; or
- (d) enters into an agreement for construction of any structure or buildings on such land;
- (e) causes or procures or attempts to procure any person to do any of above mentioned acts;

shall, on conviction, be punished with imprisonment for a term which shall not be less than ten years but which may extend to fourteen years and with fine which may extend to *Jantri* value of such properties.

**6. *Offences by companies.***- (1) If the person contravening the provisions of this Ordinance is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything in sub-section (1), where any offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation:—** For the purposes of this section:-

(a) "Company" means anybody corporate and includes firm or other association of individuals; and

(b) "Director" in relation to a firm, means a partner in the firm.

**7. Constitution of Special Courts.-** (1) The State Government may, with the concurrence of the Chief Justice of the High Court of Gujarat, by notification in the *Official Gazette* constitute one or more Special Courts for such area or areas, or for such cases or class or group of cases, as may be specified in the notification.

(2) Where any question arises as to the jurisdiction of any Special Court, it shall be referred to the State Government, whose decision in the matter shall be final.

(3) A Special Court shall be presided over by a judge to be appointed by the State Government with the concurrence of the Chief Justice of the High Court of the Gujarat.

(4) The State Government may also appoint, with the concurrence of the Chief Justice of the High Court of Gujarat, additional judges to exercise jurisdiction of the Special Court.

(5) A person shall not be qualified for appointment as a judge or an additional judge of a Special Court unless he immediately before such appointment, is or has been a Sessions judge or a District Judge.

(6) The Government from time to time may, by notification in the *Official Gazette*, reconstitute the Special Courts constituted under sub-section (1) and may, at any time abolish such Special Courts by a like notification.

(7) A Judge of the Special Court shall hold office for a term of three years from the date on which he enters upon his office, or until the Special Court is reconstituted or abolished under sub-section (6), whichever is earlier.

**8. Public Prosecutor.-** The State Government shall appoint, for every Special Court, a person to be the Public Prosecutor.

**9. Procedure and powers of Special Courts.-** (1) The Special Court may, either *suo moto* or on application made by any person, or any officer authorized by District Collector take cognizance of and try every case arising out of any alleged act of land grabbing or with respect to the ownership and title to, or lawful possession of, the land grabbed, whether before or after the commencement of this Ordinance, and pass such orders (including orders by way of interim directions) as it deems fit;

(2) Notwithstanding anything in the Code of Civil Procedure, 1908, any case in respect of an alleged act of land grabbing or the determination of question of title and ownership to, or lawful possession of any land grabbed under this Ordinance, shall, subject to the provisions of this Ordinance, be triable in the Special Court and the decision of Special Court shall be final. **V of 1908.**

(3) Notwithstanding anything in the Code of Civil Procedure 1908, the Special Court may follow its own procedure which shall not be inconsistent with the principles of natural justice and fair play and subject to the other provisions of this Ordinance and of any rules made thereunder while deciding the Civil liability, **V of 1908.**

(4) Notwithstanding anything in the Code of Criminal Procedure, 1973, it shall be lawful for the Special Court to try all offences punishable under this Ordinance. **2 of 1974.**

(5) The Special Court shall determine the order in which the civil and criminal liability against a land grabber be initiated. It shall be within the discretion of the Special Court whether or not to deliver its decision or order until both civil and criminal proceedings are completed. The evidence admitted during the criminal proceeding may be made use of while trying the civil liability. But additional evidence, if any, adduced in the civil proceedings shall not be considered by the Special Court while determining the criminal liability. Any person accused of land grabbing or the abetment thereof before the Special Court shall be a competent witness for the defence and may give evidence on oath in disproof of the charge made against him or any person charged together with him in the criminal proceeding:

Provided that he shall not be called as a witness except on his own request in writing or his failure to give evidence shall be made the subject of any comment by any of the parties or the special court or give rise to any presumption against himself or any person charged together with him at the same proceeding.

(6) Every case under sub-section (1) shall be disposed of finally by the Special Court, as far as possible, within a period of six months from the date of institution of the case before it.

(7) Every finding of the Special Court with regard to any alleged act of land grabbing shall be conclusive proof of the fact of land grabbing and of the persons who committed such land grabbing, and every judgment of the Special Court with regard to the determination of title and ownership to, or lawful possession of, any land grabbed shall be binding on all persons having interest in such land.

(8) When an offence of land grabbing is proved, the Special Court may if it thinks fit, order that possession of the same be restored to that person after evicting by force, if necessary, any other person who may be in possession of the property.

(9) It shall be lawful for the Special Court to pass such order as it may deem fit to advance the cause of justice. It may award compensation in terms of money for wrongful possession of the land grabbed which shall not be less than an amount equivalent to the *Jantri* value of the land grabbed as on the date of the order and profits accrued from the land payable by the land grabber to the owner of the grabbed land and may direct re-delivery of the grabbed land to its rightful owner. The amount of compensation and profits, so awarded and costs of re-delivery, if any, shall be recovered as an arrear of land revenue in case the Government is the owner, or as a decree of a civil court, in any other case to be executed by the Special Court:

Provided that the Special Court shall, before passing an order under this sub-section, give to the land grabber an opportunity of making his representation or of adducing evidence, if any, in this regard, and consider such representation and evidence.

V of 1908.  
2 of 1974.

**10. *Special Court to have powers of Civil Court and the Court of Sessions.***- Save as expressly provided in this Ordinance, the provisions of the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973, in so far as they are not inconsistent with the provisions of this Ordinance, shall apply to the proceedings before the Special Court and for the purposes of the provisions of the said enactments, Special Court shall be deemed to be a Civil Court, or as the case may be, a Court of Sessions and shall have all the powers of a Civil Court and a Court of Sessions and person conducting a prosecution before the Special Court shall be deemed to be an Assistant Public Prosecutor.

**11. *Burden of proof.***- (1) Where in any proceedings under this Ordinance, a land is alleged to have been grabbed, and such land is *prima facie* proved to be the land owned by the Government or by a private person, the Special Court shall presume that the person who is alleged to have grabbed the land is a land-grabber and the burden of proving that the land has not been grabbed by him shall be on such person.

(2) Where it is proved that a land grabber or any person on his behalf is or has at any time been, in possession of movable or immovable property which he cannot satisfactorily account for, or where his pecuniary resources are disproportionate to his known sources of income, the Court shall, unless contrary is proved, presume that such property or pecuniary resources have been acquired or derived by his activities as a land grabber.

**12. *Information to be recorded and investigation to be carried out by the police officer.***- Notwithstanding anything contained in the Code,-

- (a) no information about the commission of an offence under this Ordinance, shall be recorded by a police officer without the prior approval of the District Collector in consultation with the Committee notified by the Government;

- (b) no investigation of an offence under the provision of this Ordinance shall be carried out by a police officer below the rank of the Deputy Superintendent of Police, or for the areas where the Commissioner of Police is appointed by the State Government, by a police officer not below the rank of the Assistant Commissioner of Police.

**13. *Persons acting under the Ordinance to be public servants.***- Every person acting under the provisions of this Ordinance shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

**14. *Protection of action taken in good faith.***- No suit, prosecution or other legal proceeding shall lie against any officer or employee of the special Court] or any officer of the Government for anything which is in good faith done or intended to be done under this Ordinance or the rules made thereunder.

**15. *Ordinance to override other laws.***- The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or custom, usage or agreement or decree or order of a court or any other tribunal or authority.

**16. *Power to make rules.***- (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Ordinance.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to such modifications as the legislature may make during the session in which they are so laid or the session immediately following.

**17. *Prohibition of alienation of lands grabbed.***- Any transaction relating to an alienation of a land grabbed or any part thereof by way of sale, lease, gift, exchange, settlement, surrender, usufructuary mortgage or otherwise, or any partition effected or a trust created in respect of such land, which has taken place whether before or after the commencement of this Ordinance shall, except to the extent ordered by the Special Court be null and void.

**18. *Power of State Government to remove difficulties.***- (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Ordinance, as appears to be necessary or expedient for removing the difficulty:

Provided that no order under sub-section (1) shall be made after the expiry of two years from the date of commencement of this Ordinance.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

**STATEMENT**

It has come to the notice of the Government that there are attempts on the part of certain lawless persons operating individually or in groups to grab either by force, or by deceit or otherwise lands belonging to the Government, a local authority, a religious or charitable institution or endowment as well as private individuals. The land grabbers are setting up fictitious claims and indulging in large scale and fraudulent sales of land through unscrupulous real estate dealers or otherwise. As public order is adversely affected by such unlawful activities of land grabbers in the State.

Hence, the State Government of Gujarat with a view to prohibiting the activities of land grabbing and to provide for matters connected therewith has proposed to bring the Gujarat Land Grabbing (Prohibition) Ordinance, 2020 into force. Apart from declaring land grabbing as unlawful, the State Government proposes to prohibit land grabbing. Therefore, it is proposed to provide for penalty for offences in connection with land grabbing to effectively implement this Ordinance and for the purpose of providing speedy enquiry into an alleged act of land grabbing and trial of cases in respect of the ownership and title to, or lawful possession of the land grabbed by constituting a Special Court. It is felt that the State Government shall be able to curb the illegal land grabbing by enforcing the proposed legislation.

As the Gujarat Legislative Assembly is not in session, the Gujarat Land Grabbing (Prohibition) Ordinance, 2020 is promulgated to achieve the aforesaid objects.

Gandhinagar.  
Dated the 29<sup>th</sup> August, 2020.

**ACHARYA DEVVRAT,**  
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**S. M. PATEL,**  
Secretary to Government.

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Extra No. 15



વાર્ષિક લવાજમનો દર રૂ. ૪,૦૦૦/-



# The Gujarat Government Gazette

## EXTRAORDINARY

### PUBLISHED BY AUTHORITY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

#### PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.

#### HOME DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 7<sup>th</sup> September, 2020.

#### GUJARAT ORDINANCE NO. 11 OF 2020.

#### AN ORDINANCE

*further to amend the Gujarat Prevention of Anti-social Activities Act, 1985.*

WHEREAS the Legislative Assembly of the State of Gujarat is not  
in Session;

AND WHEREAS the Governor of Gujarat is satisfied that  
circumstances exist which render it necessary for him to take immediate  
action to amend the Gujarat Prevention of Anti-social Activities Act, 1985;

Guj. 16 of  
1985.

NOW, THEREFORE, in exercise of the powers conferred on him  
by clause (1) of article 213 of the Constitution of India, the Governor of  
Gujarat is hereby pleased to make and promulgate the following Ordinance,  
namely: -



1. **Short title and commencement.-** (1) This Ordinance may be called the Gujarat Prevention of Anti-social Activities (Amendment) Ordinance, 2020.

(2) It shall come into force at once.

2. **Guj. 16 of 1985 to be temporarily amended.-** During the period of operation of this Ordinance, the Gujarat Prevention of Anti-social Activities Act, 1985 (hereinafter referred to as “the principal Act”) shall have effect subject to the amendments specified in sections 3 to 5.

**Guj. 16  
of 1985.**

3. **Amendment of long title of Guj. 16 of 1985.-** In the principal Act, in the long title, for the words “immoral traffic offenders and property grabbers”, the words “immoral traffic offenders, property grabbers, cyber offenders, money lending offenders and sexual offenders” shall be substituted.

4. **Amendment of section 2 of Guj. 16 of 1985.-** In the principal Act, in section 2, -

(i) for clause (bb), the following clause shall be substituted, namely:-

“(bb) “common gaming house keeper” means a person who commits or attempts to commit or abets the commission of an offence punishable under section 4 of the Gujarat Prevention of Gambling Act, 1887;”;

**Bom. IV  
of 1887.**

(ii) after clause (bbb), the following clause shall be inserted, namely:-

“(ba) “cyber offender” means a person who commits or attempts to commit or abets the commission of offence punishable under Chapter XI of the Information Technology Act, 2000;”;

**21 of 2000.**

(iii) in clause (c), for the words “Chapter XVI or Chapter XVII of the Indian Penal Code”, the words “Chapter VIII or Chapter XVI (except sections 354, 354A, 354B, 354C, 354D, 376, 376-A, 376-B, 376-C, 376-D, or 377) or Chapter

**45 of 1860.**

45 of 1860.

XVII or Chapter XXII of the Indian Penal Code” shall be substituted.

(iv) after clause (g), the following clause shall be inserted, namely:-

Guj. 14  
of 2011.

“(ga) “money lending offender” means a person, who commits or attempts to commit or abets the commission of offences under Chapter IX of the Gujarat Money Lenders Act, 2011 or a money lender or any person engaged by the money lender or someone acting on his behalf, who uses or threatens to use physical violence directly or otherwise or through any person against any person for the purpose of collecting any part of the loan or interest thereon or any instalment thereof or for taking any movable or immovable property connected with the loan transaction or the realization of whole or part of the loan amount or interest thereon.”.

(v) after clause (h), the following clause shall be inserted, namely:-

45 of 1860.

32 of 2012.

“(ha) “sexual offender” means a person, who commits or attempts to commit or abets the commission of any offence punishable under sections 354, 354A, 354B, 354C, 354D, 376, 376-A, 376-B, 376-C, 376-D, or 377 of the Indian Penal Code or the Protection of Children from Sexual Offences Act, 2012;”.

**5. Amendment of section 3 of Guj. 16 of 1985.-** In the principal Act, in section 3, in sub-section (4), after the words “immoral traffic offender or property grabber”, the words “cyber offender or money lending offender or sexual offender” shall be inserted.

**STATEMENT**

The Gujarat Prevention of Anti-social Activities Act, 1985 has been immensely useful in maintaining peace and order by detaining the anti-social elements. However, with the rapid growth of the State, the law enforcement agencies are faced with the challenges of new kind of offenders, viz. the sexual offenders, the cyber-crime offenders and money lenders lending money at the exorbitant rate of interest in clear violation of the provisions of the Gujarat Money Lenders Act, 2011 and causing the recovery of the moneys lent to the persons in need by resorting to myriad ways of recovery and therefore, it is need of the hour to protect and safeguard the interests of the public at large from such challenges of the said offenders.

It is also noticed that the provision for detention of “common gaming house” has proved to be ineffective as it entails conviction for the offence punishable under section 4 of the Gujarat Prevention of Gambling Act, 1887 and the commission of another offence under the said section within a period of three years.

The said Act is therefore, required to be amended by inserting therein the definitions of the sexual offenders, cyber-crime offenders and money lending offenders as also substituting the definition of the “common gaming housekeepers” so as to effectively counter the said offenders. Sections 3 and 4 of the Ordinance amend the relevant provisions for the said purpose.

As the Legislative Assembly of the State of Gujarat is not in session, the Gujarat Prevention of Anti-social Activities (Amendment) Ordinance, 2020 is promulgated to amend the said Act to achieve the aforesaid objects.

Gandhinagar.

Dated the 5<sup>th</sup> September, 2020.

**ACHARYA DEVVRAT,**

Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**SANGEETA SINGH,**

Additional Chief Secretary to Government.

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# The Gujarat Government Gazette

## EXTRAORDINARY

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#### PART IV

**Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 25<sup>th</sup> September, 2020 is hereby published for general information.

**K. M. LALA,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARAT ACT NO. 5 OF 2020.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 28<sup>th</sup> September, 2020).

#### AN ACT

further to amend the Gujarat Secondary and Higher Secondary Education Act, 1972.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

- (1) This Act may be called the Gujarat Secondary and Higher Secondary Education (Amendment) Act, 2020.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Short title and  
commencement.**

Amendment  
of section 3 of  
Guj. 18 of  
1973.

2. In the Gujarat Secondary and Higher Secondary Education Act, 1972, in section 3, in sub-section (2),-

Guj. 18 of  
1973.

(1) under the heading “**Class A-Ex Officio Members**” for clauses (i) to (xv), the following clauses shall be substituted, namely:-

- “(i) the Commissioner of Higher Education, Gujarat State;
- (ii) the Commissioner of School, Gujarat State;
- (iii) the Director of Primary Education, Gujarat State;
- (iv) the Director, Gujarat State Board of School Text Books;
- (v) the Director, Gujarat Council of Educational Research and Training;
- (vi) one officer of Education Department not below the rank of Deputy Secretary, nominated by the State Government;
- (vii) the Chairman, State Examination Board;
- (viii) the Director of Examination, Gujarat Secondary and Higher Secondary Education Board;
- (ix) the State Project Director, *Samagra Siksha Abhiyan.*”;

(2) under the heading “**Class B- Elected Members**” for clauses (i) to (x), the following clauses shall be substituted, namely:-

- (i) one member elected by the headmasters of registered schools other than post basic schools from amongst themselves;
- (ii) one member elected by the headmasters and the teachers of the post basic schools registered under this Act, from amongst themselves;
- (iii) one member elected by the teachers of registered schools other than post basic schools from amongst themselves;
- (iv) one member elected by the Principals of the Secondary Teachers Training Colleges and Graduate Basic Training Colleges from amongst themselves in such manner as may be prescribed;
- (v) one member elected by the non-teaching staff of registered private secondary schools, secondary and higher secondary schools, from amongst themselves;
- (vi) one member elected by the teaching staff of registered higher secondary schools from amongst themselves;

XXI of 1860.  
Bom. XXIX of 1950.

- (vii) one member elected from amongst teachers of Government secondary and higher secondary schools;
- (viii) one member elected by the representatives of the management of registered secondary and higher secondary schools registered under the Societies Registration Act, 1860 and the Gujarat Public Trusts Act, 1950 from amongst themselves in such manner as may be prescribed;
- (ix) one member elected by the Presidents of the Parents' Associations of registered private secondary schools and registered private higher secondary schools, from amongst themselves.

**Explanation.** - In this clause, –

- (1) “Parents' Association” in relation to any registered private secondary schools shall mean an association of parents and guardians of students of that schools, formed and recognised by the headmaster of that school, whether before or after the appointed day.
  - (2) (a) in relation to Parents' Association whose President is a headmaster, a teacher, a manager or a member of a governing body or other body in charge of the management of the school, “President” shall mean such member of that Association other than such headmaster, teacher, manager or, as the case may be, member, as may be authorised in writing by the Association; and
  - (b) in a case where the President of a Parent's Association is himself absent or incapable of acting, the President shall, for the purpose of electing a member under this clause, mean such other member of that Association as may be authorised in writing by the Association for that purpose.
  - (c) A member of the Parents' Association shall cease to be such member on completion of his child's secondary or, as the case may be, higher secondary education.
- (x) two members elected by the Gujarat Legislative Assembly from amongst its members in accordance with the system of proportional representation by means of the single transferable vote:

Provided further that a person shall cease to hold office as a member of the Board if he ceases to be a headmaster or teacher of a registered school or the Principal of a Secondary Teachers Training College or a Graduate Basic Training College or a member of non-teaching staff of registered private secondary schools and registered private higher secondary schools or of teaching staff of registered higher secondary schools or a representative of the management of the registered schools or a President of a Parents' Association or, as the case may be, a member of the Gujarat Legislative Assembly.”;

- (3) under the heading “**Class C- Nominated Members**”, the existing paragraph shall be numbered as clause (i) and after clause (i) as so numbered, the following clause shall be inserted, namely:-

“(ii) The State Government shall nominate one member from amongst the members of the Academic Council of the Universities controlled by the State Government in Education Department.”.

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# The Gujarat Government Gazette

## EXTRAORDINARY

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#### PART IV

#### Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 29<sup>th</sup> September, 2020 is hereby published for general information.

**K. M. LALA,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARAT ACT NO. 6 OF 2020.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 30<sup>th</sup> September, 2020).

#### AN ACT

*further to amend the Gujarat Goods and Services Tax Act, 2017.*

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:—

**Short title and  
commencement.**

**1.** (1) This Act may be called the Gujarat Goods and Services Tax (Amendment) Act, 2020.

(2) This section, section 12 and section 16 shall be deemed to have come into force on the 31<sup>st</sup> March, 2020; remaining provisions, except sections 2, 11, 13 and 14 shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint; and the different dates may be appointed for different provisions of this Act.



- Amendment of section 2 of Guj. 25 of 2017.**
- 2.** In the Gujarat Goods and Services Tax Act, 2017 (hereinafter referred to as the “principal Act”), in section 2, in clause (114), for sub-clauses (c) and (d), the following sub-clauses shall be substituted and shall be deemed to have been substituted from the 30th June, 2020, namely:—
- “(c) Dadra and Nagar Haveli and Daman and Diu;
- (d) Ladakh;”.
- Amendment of section 10 of Guj. 25 of 2017.**
- 3.** In the principal Act, in section 10, in sub-section (2), in clauses (b), (c) and (d), after the words “of goods”, the words “or services” shall be inserted.
- Amendment of section 16 of Guj. 25 of 2017.**
- 4.** In the principal Act, in section 16, in sub-section (4), the words “invoice relating to such” shall be deleted.
- Amendment of section 29 of Guj. 25 of 2017.**
- 5.** In the principal Act, in section 29, in sub-section (1), for clause (c), the following clause shall be substituted, namely:—
- “(c) the taxable person is no longer liable to be registered under section 22 or section 24 or intends to opt out of the registration voluntarily made under sub-section (3) of section 25.”.
- Amendment of section 30 of Guj. 25 of 2017.**
- 6.** In the principal Act, in section 30, in sub-section (1), for the existing proviso, the following proviso shall be substituted, namely:—
- “Provided that such period may, on sufficient cause being shown, and for reasons to be recorded in writing, be extended,—
- (a) by the Deputy Commissioner, for a period not exceeding thirty days;
- (b) by the Joint Commissioner, for a further period not exceeding thirty days, beyond the period specified in clause (a).”.
- Amendment of section 31 of Guj. 25 of 2017.**
- 7.** In the principal Act, in section 31, in sub-section (2), for the existing proviso, the following proviso shall be substituted, namely:—
- “Provided that the Government may, on the recommendations of the Council, by notification,—

- (a) specify the categories of services or supplies in respect of which a tax invoice shall be issued, within such time and in such manner as may be prescribed;
  - (b) subject to the condition mentioned therein, specify the categories of services in respect of which—
    - (i) any other document issued in relation to the supply shall be deemed to be a tax invoice; or
    - (ii) tax invoice may not be issued.”.
- 8.** In the principal Act, in section 51,—
- (a) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) A certificate of tax deduction at source shall be issued in such form and in such manner as may be prescribed.”;
  - (b) sub-section (4) shall be deleted.
- 9.** In the principal Act, in section 122, after sub-section (1), the following sub-section shall be inserted, namely:—
- “(1A) Any person who retains the benefit of a transaction covered under clause (i), (ii), (vii) or clause (ix) of sub-section (1) and at whose instance such transaction is conducted, shall be liable to a penalty of an amount equivalent to the tax evaded or input tax credit availed of or passed on.”.
- 10.** In the principal Act, in section 132, in sub-section (1),—
- (i) for the words “Whoever commits any of the following offences”, the words “Whoever commits, or causes to commit and retain the benefits arising out of, any of the following offences” shall be substituted;
  - (ii) for clause (c), the following clause shall be substituted, namely:—

“(c) avails input tax credit using the invoice or bill referred to in clause (b) or fraudulently avails input tax credit without any invoice or bill;”;
  - (iii) in clause (e), for the words “evades tax, fraudulently avails input tax credit” the words “evades tax” shall be substituted.

**Amendment  
of section 51  
of Guj. 25 of  
2017.**

**Amendment  
of section  
122 of Guj.  
25 of 2017.**

**Amendment  
of section  
132 of Guj.  
25 of 2017.**

Amendment  
of section  
140 of Guj.  
25 of 2017.

- 11.** In the principal Act, in section 140, with effect from the 1<sup>st</sup> day of July, 2017,-
- (a) in sub-section (1), after the words “existing law”, the words “within such time and” shall be inserted and shall be deemed to have been inserted;
  - (b) in sub-section (2), after the words “appointed day”, the words “within such time and” shall be inserted and shall be deemed to have been inserted;
  - (c) in sub-section (3), for the words “goods held in stock on the appointed day subject to”, the words “goods held in stock on the appointed day, within such time and in such manner as may be prescribed, subject to” shall be substituted and shall be deemed to have been substituted;
  - (d) in sub-section (5), for the words “existing law”, the words “existing law, within such time and in such manner as may be prescribed” shall be substituted and shall be deemed to have been substituted;
  - (e) in sub-section (6), for the words “goods held in stock on the appointed day subject to”, the words “goods held in stock on the appointed day, within such time and in such manner as may be prescribed, subject to” shall be substituted and shall be deemed to have been substituted.

Insertion of  
new section  
168A in  
Guj.25 of  
2017.

- 12.** In the principal Act, after section 168, the following section shall be inserted, namely:-

**Power of  
Government to  
extend time  
limit in special  
circumstances.**

**“168A. (1)** Notwithstanding anything contained in this Act, the Government may, on the recommendations of the Council, by notification, extend the time limit specified in, or prescribed or notified under, this Act in respect of actions which cannot be completed or complied with due to *force majeure*.

(2) The power to issue notification under sub-section (1) shall include the power to give retrospective effect to such notification from a date not earlier than the date of commencement of this Act.

**Explanation.-** For the purposes of this section, the expression “*force majeure*” means a case of war, epidemic, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature or otherwise affecting the implementation of any of the provisions of this Act.”.

**13.** In the principal Act, in section 172, in sub-section (1), in the proviso, for the words “three years”, the words “five years” shall be substituted and shall be deemed to have been substituted with effect from the 30th day of June, 2020.

**Amendment of section 172 of Guj. 25 of 2017.**

**14.** In the principal Act, in Schedule II, in para 4, in clauses (a) and (b), the words “whether or not for a consideration,” shall be deleted and shall be deemed to have been deleted with effect from the 1st day of July, 2017.

**Amendment to Schedule II of Guj. 25 of 2017.**

**15.** (1) Notwithstanding anything contained, in the Government Notification, Finance Department No. (GHN-31) GST -2017/S.9 (1) (1) –TH, dated the 30<sup>th</sup> June, 2017, Notification No. 1/2017-State Tax (Rate) issued by the Gujarat Government, on the recommendations of the Council, in exercise of the powers conferred under sub-section (1) of section 9 of the Gujarat Goods and Services Tax Act, 2017,—

**Amendment of notification number 1/2017-State Tax (Rate) issued under sub-section (1) of section 9 of Gujarat Goods and Services Tax Act, retrospectively.**

**Guj. 25 of 2017.**

(i) no State tax shall be levied or collected in respect of supply of fishmeal (falling under heading 2301), during the period commencing from the 1st day of July, 2017 and ending with the 30th day of September, 2019 (both days inclusive);

(ii) State tax at the rate of six per cent. shall be levied or collected in respect of supply of pulley, wheels and other parts (falling under heading 8483) and used as parts of agricultural machinery (falling under headings 8432, 8433 and 8436), during the period commencing from the 1st day of July, 2017 and ending with the 31st day of December, 2018 (both days inclusive).

(2) No refund shall be made of all such tax which has been collected, but which would not have been so collected, had sub-section (1) been in force at all material times.

**Guj. Ord. 2 of 2020.**

**16.** (1) The Gujarat Goods and Services Tax (Amendment) Ordinance, 2020, is hereby repealed.

**Repeal and saving.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by the said Ordinance.

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# The Gujarat Government Gazette

## EXTRAORDINARY

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#### PART IV

**Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 29<sup>th</sup> September, 2020 is hereby published for general information.

**K. M. LALA,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### **GUJARAT ACT NO. 7 OF 2020.**

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 30<sup>th</sup> September, 2020).

#### **AN ACT**

further to amend the laws relating to salaries and allowances of  
Members, Speaker and Deputy Speaker of the Gujarat Legislative  
Assembly and of Ministers and Leader of the Opposition.

It is hereby enacted in the Seventy-first Year of the Republic of  
India as follows: -

**1.** (1) This Act may be called the Gujarat Salaries and Allowances of  
Members, Speaker and Deputy Speaker of the Gujarat Legislative  
Assembly, Ministers and Leader of the Opposition Laws (Amendment)  
Act, 2020.

**Short title and  
commencement.**

(2) It shall be deemed to have come into force on the 8<sup>th</sup> April, 2020.

<b>Amendment of section 3 of Guj. II of 1960.</b>	<p><b>2.</b> In the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960, in section 3, after sub-section (1), the following sub-section shall be inserted, namely:-</p> <p>“(1A) Notwithstanding anything contained in sub-section (1), there shall be paid to each Member 30 per cent less basic salary per month for a period of twelve months commencing from the 1<sup>st</sup> April, 2020.”.</p>	<b>Guj. II of 1960.</b>
<b>Amendment of sections 3 and 10 of Guj. III of 1960.</b>	<p><b>3.</b> In the Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960,-</p> <p>(i) in section 3, after sub-section (1), the following sub-section shall be inserted, namely:-</p> <p>“(1A) Notwithstanding anything contained in sub-section (1), there shall be paid to the Speaker 30 per cent less basic salary per month for a period of twelve months commencing from the 1<sup>st</sup> April, 2020 .”.</p> <p>(ii) in section 10, after sub-section (1), the following sub-section shall be inserted, namely :-</p> <p>“(1A) Notwithstanding anything contained in sub-section (1), there shall be paid to the Deputy Speaker 30 per cent less basic salary per month for a period of twelve months commencing from the 1<sup>st</sup> April, 2020 .”.</p>	<b>Guj. III of 1960.</b>
<b>Amendment of sections 3 and 6 of Guj. VI of 1960.</b>	<p><b>4.</b> In the Gujarat Ministers' Salaries and Allowances Act, 1960,-</p> <p>(i) in section 3, after sub-section (1), the following sub-section shall be inserted, namely:-</p> <p>“(1A) Notwithstanding anything contained in sub-section (1), there shall be paid to the Minister 30 per cent less basic salary per month for a period of twelve months commencing from the 1<sup>st</sup> April, 2020 .”.</p>	<b>Guj. VI of 1960.</b>

(ii) in section 6, after sub-section (1), the following sub-section shall be inserted, namely :-

“(1A) Notwithstanding anything contained in sub-section (1), there shall be paid to the Deputy Minister 30 per cent less basic salary per month for a period of twelve months commencing from the 1<sup>st</sup> April, 2020.”.

**Guj. 16  
of 1979.**

**5.** In the Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Act, 1979, in section 3, after sub-section (1), the following sub-section shall be inserted, namely :-

**Amendment  
of section 3  
of Guj. 16 of  
1979.**

“(1A) Notwithstanding anything contained in sub-section (1), there shall be paid to the Leader of the Opposition 30 per cent less basic salary per month for a period of twelve months commencing from the 1<sup>st</sup> April, 2020.”.

**Guj. Ord. 1  
of 2020.**

**6. (1)** The Gujarat Salaries and Allowances of Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly, Ministers and Leader of the Opposition Laws (Amendment) Ordinance, 2020 is hereby repealed.

**Repeal  
and  
Saving.**

**Guj. II of 1960.**

**Guj. III of 1960.**

**Guj. VI of 1960.**

**Guj. 16 of 1979.**

(2) Notwithstanding such repeal, anything done or any action taken under the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960, the Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960, the Gujarat Ministers' Salaries and Allowances Act, 1960, or as the case may, the Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Act, 1979, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Acts as amended by this Act.

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# The Gujarat Government Gazette

## EXTRAORDINARY

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#### PART IV

**Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 2<sup>nd</sup> October, 2020 is hereby published for general information.

**K. M. LALA,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARAT ACT NO. 8 OF 2020.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 3<sup>rd</sup> October, 2020).

#### AN ACT

further to amend the Gujarat Agricultural Produce Markets Act, 1963.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Gujarat Agricultural Produce Markets (Amendment) Act, 2020. **Short title and commencement.**

(2) It shall be deemed to have come into force on the 6<sup>th</sup> May, 2020.



Amendment  
of section 1 of  
Guj.20 of  
1964.

2. In the Gujarat Agricultural Produce Markets Act, 1963, in section 1, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) This Act may be called the Gujarat Agricultural Produce and Marketing (Promotion and Facilitation) Act, 1963.”.

Guj.20 of  
1964.

Amendment  
of section 2 of  
Guj.20 of  
1964.

3. In the Gujarat Agricultural Produce Markets and Marketing (Promotion and Facilitation) Act, 1963 as so renamed (hereinafter referred to as “the principal Act”), in section 2,-

Guj.20 of  
1964.

(1) for clause (i), the following clause shall be substituted, namely:-

“(i) “agriculture produce” means all produce, whether processed or not, of agriculture and horticulture specified in the Schedule;”;

(2) for clause (ii), the following clause shall be substituted, namely: -

“(ii)“agriculturist” means a person who ordinarily by himself or who by his tenants or hired labour or otherwise is engaged in the production or growth of agricultural produce but does not include a trader or broker in agricultural produce although such a trader or broker may also be engaged in the production or growth of agricultural produce. It also includes association of farmers by whatever name called, registered under any law for the time being in force and is engaged in aggregation of member farmers produce;”;

(3) after clause (iii), the following clause shall be inserted, namely: -

“(iiia)”buyer” means a person, who himself or itself or on behalf of any person or agent buys or agrees to buy agricultural produce in the market;”:

(4) after clause (iv), the following clause shall be inserted, namely:-

“(iv-a) “cold storage” means a cold storage as may be declared as market sub-yard under this Act;”;

(5) after clause(v-aaa), the following clause shall be inserted, namely:-

“(v-aab) “direct marketing” in relation to agricultural produce

means direct wholesale purchase of agricultural produce from the farmers by the processors, exporters, bulk buyers and such other person outside the principal market yard, sub-market yard, private market yard and market sub-yard, or e-market established under section 31C;”;

- (6) after clause (vi-a), the following clauses shall be inserted, namely:-

“(vi-ab)“electronic trading (e-trading)” means trading of notified agricultural produce in which registration, auctioning, billing, booking, contracting, negotiating, exchange of information, record keeping and such other connected activities are done electronically on computer network or internet;

(vi-ac)“electronic trading platform (e-trading platform)” means electronic platform set up either by the State Government or its agency or a person licensed under this Act for conducting trading in notified agricultural produce through electronic media or by any means of communication in which registration, buying and selling, billing, booking, contracting and negotiating are carried out online through computer network or internet or any other such electronic device;”;

- (7) after clause (vi-aaa), the following clauses shall be inserted, namely:-

“(vi-aab) “farmer-consumer market” means a market yard established under section 31E;

(vi-aac)“farmer-producer company(FPC)”means a company of farmer-producer members incorporated and registered as such with the Registrar of Companies under the Companies Act, 2013;

18 of 2013.

(vi-aad)“Government agency” means Government of Gujarat or its department concerned dealing with agricultural produce marketing or the Director or the Board, as the case may be;”;

- (8) for clause (vii), the following clause shall be substituted, namely: -  
“(vii)“general commission agent” a person who *bonafide* buys or sells agricultural produce on behalf of his principal, or facilitates buying or selling at primary and other level transactions on e-platform or any other mode of transaction and activities ancillary thereto, keeps it in his custody and controls it during the process of its sale or purchase and collects payment thereof, if required, from the buyer and pays it to the seller for an agreed commission, any agricultural produce on behalf of another person and does or offers to do anything necessary for completing and carrying out the transaction of such sale or purchase;”;
- (9) for clause (ix), the following clause shall be substituted, namely:-  
“(ix)”licence” means the license granted under the provisions of this Act;”;
- (10) for clause (x), the following clause shall be substituted, namely:-  
“(x) “licensee” means a person holding a license granted under the provisions of this Act;”;
- (11) in clause (xii-a), after the words “sub-market yard”, the words “market sub-yard” shall be inserted;
- (12) after clause (xii-a), the following clause shall be inserted, namely:-  
“(xii-aa) “marketing” in relation to agriculture produce means all activities involved in the flow of agricultural produce from production point commencing at the stage of harvest till the same reaches to the ultimate consumers, viz. grading, processing, storage, transport, channels of distribution and all other functions involved in the process;”;
- (13) after clause (xiii-a), the following clause shall be inserted, namely:-  
“(xiii-aa) “market sub-yard” means warehouse, silos, cold storage enclosure building or such other structure or place or locality declared to be market sub-yard or deemed to be market sub- yard under section 7A;”;

- (14) after clause (xiv-a), the following clause shall be inserted, namely:-  
“(xiv-aa) “Market Yard of National Importance” means a market yard designated or notified as such under section 7AA;”;
- (15) after clause (xv), the following clauses shall be inserted, namely:-  
“(xv-a) “national agriculture market(NAM)”means an integrated market, without prejudice to any law for the time being in force, where buying and selling of notified agricultural produce and activities incidental thereto are carried out in India possessing marketing utility across time and space;  
(xv-ab)“over trading” in relation to a trader means the amount exceeding the value of the notified agricultural produce purchased at any point of time vis-à-vis to the amount of security deposited with or the bank guarantee furnished to the market committee by the trader;  
(xv-ac)“person” includes individual, a co-operative society, Hindu Undivided Family, a company or firm or an association or a body of individuals, whether incorporated or not;  
(xv-ad) “petty trader” in relation to agricultural produce means a non licensee trader who carries on purchasing or selling of notified agricultural produce in the quantity not exceeding such quantity as may be notified by the Director;”;
- (16) after clause (xvii-aaa) the following clause shall be inserted, namely:-  
“(xvii-aab) “processing unit” means processing unit declared as market sub-yard under this Act;”;
- (17) for clause (xvii-aaaa), the following clause shall be substituted, namely:-  
“(xvii-aaaa) “registration” means registration made under this Act;”;
- (18) after clause (xx-a), the following clauses shall be inserted, namely:-  
“(xx-b) “seller” means a person who sells or agrees to sell agricultural produce for consideration of a price;  
“(xx-c) “Schedule” means the Schedule appended to this Act;”;

- (19) after clause (xxi), the following clause shall be inserted, namely:-  
 “(xxia) “silo” means silo declared as market sub-yard under section 7A;”;
- (20) for clause (xxiii), the following clause shall be substituted, namely:-  
 “(xxiii) “trader” means a person who carries on the business of buying or selling of notified agricultural produce and includes a co-operative society, joint family or an association of persons whether incorporated or not which carries such business for the purpose of selling, processing, manufacturing, or for any other purpose, as the case may be, except for the purpose of domestic consumption by himself;”;
- (21) after clause (xxiii-aa), the following clause shall be inserted, namely:-  
 “(xxiii-ab) “U T” means Union Territory as specified in the First Schedule to the Constitution of India;”;
- (22) after clause (xxiii-aaa), the following clause shall be inserted, namely:-  
 “(xxiii-aab) “warehouse” means warehouse declared as a market sub-yard under section 7A;”.

Amendment  
of section 5 of  
Guj.20 of  
1964.

4. In the principal Act, in section 5, after sub-section (3), the following sub-section shall be added, namely:-  
 “(4) The State Government may hold consultations with local authorities, including Panchayati Raj Institutions who own and operate rural periodical markets or *haats* or any other such markets for marketing of agricultural produce within their area of jurisdiction to bring such markets under the regulation of this Act, so as to develop these markets for efficiently function as marketing platform nearest to the farm gate.”.

Insertion of  
new section  
5A in Guj. 20  
of 1964.

5. In the principal Act, after section 5, the following section shall be inserted, namely:-

Declaration  
of whole State  
as one  
Unified  
Market Area.

“5A. Subject to the notification made under section 5 and after considering such objections and suggestions as may be

received before the expiry of period as specified in the notification, the State Government may, by notification in the *Official Gazette*, declare the whole State as one unified market area as specified in the said notification for the purposes of regulation of marketing of all or any of the kinds of notified agricultural produce specified in the notification issued under this Act.”.

6. In the principal Act, in section 7, -

(1) in sub-section (1), for clause (ii), the following clauses shall be substituted, namely:-

“(ii) sub-market yards,

(ii-a) market sub-yards, if any, and;”;

(2) in sub-section (3), after the words “sub-market yard” occurring at two places, the words “or market sub-yard” shall be inserted.

7. In the principal Act, after section 7, the following sections shall be inserted, namely:-

**Amendment  
of section 7 of  
Guj. 20 of  
1964.**

**Insertion of  
new sections  
7A and 7AA  
in Guj. 20 of  
1964.**

**Declaration of  
warehouses,  
silos, cold  
storage as  
market sub-  
yard for  
notified  
agricultural  
produce.**

**“7A.** (1) The Director may by notification in the *Official Gazette*, declare any place in the market area as the principal market yard or sub-market yard or market sub-yard or farmer consumer market yard, as the case may be, managed by a market committee, for the purpose of regulation of marketing of notified agricultural produce, expressly or impliedly in physical, electronic or such other mode under this Act.

**Explanation.-** In this sub-section the expression “place” shall include any structure, enclosure, open space locality, street including warehouse, silos, pack house, cleaning, grading and packaging and processing unit in the market area.

(2) The Director may by notification in the *Official Gazette*, declare a “place” to be private market yard, private market sub-yard, private farmer-consumer market yard, as the case may be, for

marketing of notified agricultural produce, expressly or impliedly in physical, electronic or other such mode under this Act.

**Explanation.-** In this sub-section the expression “place” shall include any structure, enclosure, open space locality, including warehouse, silos, pack house, cleaning, grading and packaging and processing unit and vested in the person licensed for the purpose under this Act.

(3) The owner of such warehouse, silos, cold storage or such other structure or place, as the case may be, desirous of declaration of such place as market sub-yard under sub-section (2) shall apply to the Director or an officer authorized in this behalf by him (hereinafter referred to as “authorized officer”) in such manner alongwith such fee; for such period which shall not be less than three years, as may be prescribed.

(4) The licensee of such warehouse, silos, cold storage or such other structure or place, may collect market fee on notified agricultural produce and may collect user charge on notified agricultural produce transacted at the market sub-yard declared under sub-section (1) at the *ad valorem rate* not exceeding the rates as notified by the State Government:

Provided that no user charge shall be collected from agriculturists seller.

(5) The Licensee of such market sub- yard shall contribute, of such market fee, user charges collected, to the separate “Development Fund” account maintained by the Board at the rate in percentage at par with market committee. The Fund shall be utilized for the purposes and in the manner as provided *mutatis mutandis* in section 34 O.

Establishment  
of “Market  
yard of  
National  
Importance.

**7AA.** The State Government may designate and notify any existing market yard established under section 7 as a “Market Yard of

National Importance” or establish and notify any market as a “Market Yard of National Importance” after consideration of such aspects as total throughput, value, upstream catchment area, downstream number of consumers served and special infrastructure requirements therefor:

Provided that the market yard handling not less than such annual tonnage or such annual value, as may be prescribed, may be considered for conferring the status as the a “Market Yard of National Importance:

Provided further that out of such annual tonnage or such annual value, 30 per cent. may arrive from not less than two other States.”.

**8.** In the principal Act, in section 10, in sub-section (2),-

- Bom. I of 1904.** (1) for the words and figures “the Bombay General Clauses Act, 1904”, the words and figures “the Gujarat General Clauses Act, 1904”  
**Bom. I of 1904.** shall be substituted;
- (2) the following provisos shall be added, namely:-

**Amendment  
of section 10  
of Guj. 20 of  
1964.**

“Provided that no immovable property the value of which exceeds the prescribed limits shall be acquired or disposed of by the Market Committee without the prior permission of the Director:

Provided further that the Director may, for the reasons to be recorded in writing, revoke such permission before the completion of the acquisition or execution of the deed, as the case maybe:

Provided also that market committee may, with the prior approval of the Director and after obtaining valuation certificate from the officer prescribed, enter into agreement with the owner of any land or building and purchase such land or building.”.

**9.** In the principal Act, in section 11,-

- (1) in sub-section (1),-
- (a) in clause (i), for the word “eight agriculturists”, the word “ten agriculturists having land as such” shall be substituted;

**Amendment  
of section 11  
of Guj. 20 of  
1964.**



- (b) in clause (ii), for the words “by the traders holding general licences”, the words, letters and figures “by the commission agents or traders, as the case may be whose licence granted or renewed under section 27 or 27A;” shall be substituted;
- (c) in clause (iii), after the proviso, the following proviso shall be inserted, namely:-

“Provided further that for voting as well as for being elected to represent their respective class under clauses (i),(ii)and (iii) above, the person shall be eligible as a voter for only one market committee of the State and also eligible to represent the same market committee and no other market committee of the State in the manner as may be prescribed;”;

- (2) after sub-section (4), the following sub-section shall be inserted, namely:-

“(4A) (a) A Chairman or, as the case may be, a Vice-chairman of a market committee shall, unless he resigns or is removed earlier, be entitled to hold office continuously for not more than two terms.

(b) A person who has held the office of a Chairman or Vice-chairman continuously for two terms, shall be eligible to hold that office after a lapse of a period of not less than two terms after he ceases to hold that office.

**Explanation I.**—For the purpose of this sub-section, the expression, "term" means a term of two and a half years commencing from the date of the first general meeting of a committee in which a Chairman, or, as the case may be, a Vice-chairman is elected.

**Explanation II.**—Where any person holding the office of the Chairman or a Vice Chairman of a market committee for a period exceeding two and a half years but not exceeding five years at the commencement of the Gujarat Agricultural Produce Markets (Amendment) Act, 2020 is again elected to that office after such commencement, he shall, for the purpose of this sub-section, be deemed to have held office for one term before such election.”.

Guj. 8 of  
2020.

Insertion of  
new sections  
11A to 11E in  
Guj.20 of  
1964.

- 10. In the principal Act, after section 11, the following sections shall be inserted, namely:-

Establishment  
of market  
committee of  
Market Yard of  
National  
Importance.

“11A. (1) Save as provided under section 11, the State Government may, by notification, in the *Official Gazette*, constitute a separate market committee for effective implementation of provisions of this Act for such market yard located in the State of Gujarat which is considered as the “Market Yard of National Importance (MNI) established under section 7AA.

(2) All provisions for and in relation to the Market Committee, including election of the Chairman, Vice-Chairman and members made in the Act, shall *mutatis mutandis* apply to the market committee constituted for “Market yard of National Importance.”.

(3) Save as provided under section 11, the market committee of Market Yard of National Importance shall consist of –

- (i) a Chairman;
- (ii) a Vice-Chairman;
- (iii) 10 (ten) Agriculturist;

out of which two agriculturists, one each from two other States where from arrivals are received in the MNI, to be nominated by the respective State Government on receipt of request for such nomination received from the State Government where MNI is located;

- (iv) one trader holding the single unified licence, resident of a market area, elected from amongst the licensed traders resident of such market area;
- (v) one trader holding the Inter-State trading licence nominated by the respective State Government;
- (vi) one representative of licensed commission agent as the member in the prescribed manner;
- (vii) the Adviser to the Government of India (Agricultural Marketing) or his nominee not below the rank of Under Secretary to the Government of India ;

- (viii) the Chief Executive Officer or Municipal Commissioner of the city or, as the case may be, the President of the Municipality or his nominee;
- (ix) the Chief Town Planner or the authority exercising such powers or his nominee;
- (x) the Director or his nominee *ex-officio*, not below the rank of Under Secretary to the Government of India;
- (xi) the Managing Director of the Board, *ex-officio*, or his nominee not below the rank of Under Secretary to the Government of India;
- (xii) the Executive Member, to be appointed by the State Government who shall function as the Secretary of the market committee;

**Appointment  
and functions  
of market  
committee of  
MNI.**

**11B.** The Secretary of the market committee shall be appointed by the State Government from amongst the State Civil Service Officers at least with ten years of service or from the panel of professionals so maintained or on deputation from the State Government having experience of ten years in agricultural marketing.

**Executive  
Committee  
of MNI.**

**11C. (1)** The Executive Committee for MNI shall consist of-

- (i) the Chairman of MNI;
- (ii) the Vice-Chairman of MNI;
- (iii) a trader holding the single unified licence of MNI;
- (iv) the Director or his nominee, *ex-officio*, not below the rank of Under Secretary to the Government of India;
- (v) the Managing Director of the Board, *ex-officio*, or his nominee not below the rank of the Under Secretary to the Government of India;
- (vi) the Executive Member of the market committee of MNI, who shall act as the Member-Secretary of the Executive Committee.

(2) In case of emergency, the Executive Committee may decide issues requiring approval of the market committee. However, such decision shall be approved by the market committee within forty-five days from the date such decisions are taken. In case the

decision is not taken within the said time limit, or in the event of disapproval of such decision by the market committee, such decision shall stand null and void, so however, that any such disapproval shall be without prejudice to the validity of anything previously done under the decision of the Executive Committee:

Provided that if the market committee makes any modification in such decision, the decision shall have effect to the extent of modification from the date of such decision.

(3) The Executive Committee shall meet as often as necessary but at least once in a calendar month.

**Term of office  
of members of  
Executive  
Committee of  
MNI.**

**11D.** The Executive Committee of MNI shall be constituted from time to time as may be prescribed by the State Government.

**Provisions of  
this Act shall  
applied to  
market yard of  
National  
Importance.**

**11E.** All other provisions of this Act, not specified for “Market yard of National Importance”, also shall *mutatis mutandis* apply to MNI established and notified under section 11A.”.

**11.** In the principal Act, in section 27,-

(1) in sub-section (1), for the words “trader, general commission agent” the words “general commission agent” shall be substituted;

(2) in sub-section (2), for the words “ brokers, commission agents, or traders”, the words “ brokers or commission agents” shall be substituted.

**Amendment  
of section 27  
of Guj.20 of  
1964.**

**12.** In the principal Act, after section 27, the following section shall be inserted, namely: -

**Insertion of  
new section  
27A in Guj.20  
of 1964.**

**Grant or  
renewal of  
unified  
single  
licence.**

**“27A.** (1) There shall be a single licence applicable to the whole of the State for the trader to be granted or renewed by the Director or the officer authorised by him in such manner and in such form, as may be prescribed, to operate as trader in any principal market

yard, sub-market yard, market sub-yard, private market yard and sub-yard, e-trading platform or any other space identified for the purpose, in the State. The existing trader licences granted by the market committees shall be converted into State wide single trader licence by the Director or the officer authorized by him, within six months from the date of commencement of the Gujarat Agricultural Produce Markets (Amendment) Act, 2020. Until then, the existing trader licences granted by the market committees shall be deemed to have been the State wide single trader licences:

Guj. 8 of  
2020.

Provided that the licence fee shall be payable to the concerned market committee.

**Explanation.-** Private market yard licensee or other such licensee or its management committee may, register the unified single trading licence holder whose licence has been granted by the Director or the officer authorized by him, to allow to operate in such market yards.

(2) Any person who desires to obtain or renew the licence under sub-section (1) shall apply to the Director or the officer authorised by him for grant or renewal of the licence, as the case may be, in such form and in such manner as may be prescribed;

(3) The Licence may be granted under sub-section (1) in such form, for such periods, on such terms and conditions and restrictions as may be prescribed and on payment of fees determined by the market committee within such maxima as may be prescribed.

(4) An application under sub-section (2) for grant or renewal of licence may be rejected for the reasons as may be prescribed and recorded in writing by the Director or the Officer authorised by him.

(5) The Director or the authorised officer may, after such inquiry as he deems fit to make and after giving, in the prescribed manner, the licensee a reasonable opportunity of being heard, suspend or cancel a licence issued under this section on any of the following grounds,-

- (a) that, the licence has been obtained through wilful misrepresentation or fraud;

- (b) that, the licensee himself or in collusion with other licensee commits any act or obtains from carrying on his normal business in the market with an intention to wilfully obstruct, suspend or stop the marketing of notified agricultural produce in any type of market and in consequence where of, the marketing of notified agricultural produce has been obstructed, suspended or stopped;
  - (c) that, the licensee is found to have contravened any of the provisions of this Act or the rules or bye-laws;
  - (d) that, the licensee has been convicted of an offence punishable under this Act or rules or bye-laws ;
  - (e) that, the licensee has become insolvent;
  - (f) that, the licensee incurs any disqualification on grounds as may be prescribed.
- (6) The holder of such licence shall, whose licence has been suspended or cancelled under this section shall forthwith produce the same to the Director or the authorised officer in this behalf for making endorsement in the prescribed manner; and he shall not be entitled to any claim on account of such suspension or cancellation any compensation or for the refund of the whole or any part of the licence fee.
- (7) Any person aggrieved by an order refusing to grant or renew a licence or suspending or cancelling any licence may, appeal within thirty days from the date of communication of the order to him in the prescribed manner, to the State Government, if such order has been made by the Director or to the Director, if such order has been made by the Officer authorised by him.
- (8) The State Government or as the case may be, the Director after giving the appellant a reasonable opportunity of being heard, shall on such appeal make such order as it deem just and proper.
- (9) Notwithstanding anything contained in sub-section (1), a licence holder shall be eligible as a voter for only one market committee of the State and shall eligible to represent the same market committee and no other market committee of the State in the manner as may be prescribed.”.

Amendment  
of section 28  
of Guj. 20 of  
1964.

13. In the principal Act, in section 28,-

(1) in sub-section (1), for the words “the agricultural produce bought or sold in the market area”, the words “the agricultural produce bought or sold in the principal market yard, sub-market yard or market sub-yard either brought from outside the State or from within the State” shall be substituted;

(2) in sub-section (2), for the proviso to clause (b), the following proviso shall be substituted, namely:-

“Provided that in case any agricultural produce is found to have been processed, sold or resold or dispatched outside the principal market yard, sub-market yard or market sub-yard without payment of market fee, or user charges payable under clause (ii) of sub-section (3) of this section, on such produce, the market fee or user charges shall be levied and recovered two times of such leviable and recoverable amount.”;

(3) for the words “market area” wherever they occur, the words “the principal market yard, sub-market yard or market sub-yard” shall be substituted.

Insertion  
of new  
section  
28AA in  
Guj. 20 of

14. In the principal Act, after section 28, the following section shall be inserted, namely:-

Levy of  
entrance  
fee on  
vehicles.

“28AA. The market committee may levy and collect entrance fee on vehicles which may enter into market yard at such rate as may be specified in bye-laws:

Provided that no such fee shall be levied and collected from agriculturist-seller.”.

Insertion  
of new  
section  
28B in  
Guj. 20 of  
1964.

15. In the principal Act, after section 28A, the following section shall be inserted, namely:-

Power to  
write off  
irrecoverable  
fees, etc.

“28B. The market committee may write off any fee, user charges or the amount whatsoever due to it, whether under a contract or otherwise, or any amount payable in addition therewith if in its opinion such a fee, user charge or an amount is irrecoverable:

Provided that the market committee shall, before writing off any such fee, user charges or the amount, obtain the previous sanction of the Director, if the fee or amount exceeds rupees one lakh.”.

**16.** In the principal Act, after section 30, the following sections shall be inserted, namely:-

**Insertion  
of new  
sections  
30A and  
30B in  
Guj. 20 of  
1964.**

**Power to  
remove  
encroach-  
ment in  
market  
yard.**

**“30A.** An officer or employee of a market committee duly empowered by the State Government in this behalf shall have power to remove any encroachment in the areas of the principal market yard and sub-market yard and the expenses of such removal shall liable to be paid by the person who has caused the said encroachment and the same shall be recovered in the same manner as an arrear of land revenue.

**Use of  
weighing  
instruments,  
weight and  
measure,  
their  
inspection.**

**30B.(1)** The manual or electronic weighing instruments which complies the requirements of such weights and measures as are prescribed by the prevailing Act or the rules made thereunder shall be used for weighing or measuring agricultural produce as required, in the principal market yard, sub-market yard, market sub- yard, private market yard and farmer – consumer market yard:

Provided that in transactions of sale and purchase of agricultural produce, electronic balance may preferably be used.

(2) The Weighing instruments, weights and measures kept by the market committee under this section may from time to time be inspected, examined and checked by the Director or the Managing Director or the authorized officer.”.

**17.** In the principal Act, after section 31R, the following Chapters and sections shall be inserted, namely:-

**Insertion of  
new Chapters  
IVAA and  
IVAAA in  
Guj. 20 of  
1964.**



**“CHAPTER-IVAA  
E-TRADING**

**Establishment  
and  
promotion  
of electronic  
trading  
platform.**

**31S.** (1) No person shall establish and run any electronic trading platform for trading in notified agricultural produce without obtaining a licence under section 31T.

(2) Save as provided in sub-section (1), the State Government or its agency may, however, establish and run e-trading platform for trading in notified agricultural produce in the manner as may be prescribed.

**Grant and  
Renewal of  
licence to  
establish  
electronic  
trading  
platform.**

**31T.** (1) Any person desirous of establishing an e-trading platform under section 31S, shall apply for grant of licence to the Director in such form and such manner along with such fee; and security or bank guarantee and subject to fulfilling such terms and conditions, as may be prescribed.

(2) The application received under sub-section (1) for grant or renewal of license may be granted or rejected for reasons to be recorded in writing:

Provided that the application received under this section may be liable to be rejected for any of the reasons *mutatis mutandis* to the reasons specified in section 31F.

(3) The e-trading platform managed and operated by a person or the State Government or its agency, as the case may be, may provide all infrastructures and services connected with e-trading, in the prescribed manner.

(4) The licensee or its management committee, may collect market fee for notified agricultural produce or user charges for those items of the agricultural produce which are not specified in the notification published under sub-section (1) of section 5 not exceeding the rates as may be prescribed by the State Government on transaction of sale on the e-trading platform:

Provided that no user charge shall be collected from agriculturist-seller.

(5) The licensee of e-trading platform shall contribute of such market fee or of such user charge collection, to the separate “Development Fund” maintained by the Board at the rate in percentage at par with market committee. The Fund shall be utilised for the purposes of development of common marketing infrastructure, skill development, training, research and pledge financing and such other activities as will aid in creating efficient marketing system in the State.

**Integration of  
warehouses,  
silos, cold  
storages or  
such other  
structure or  
place,  
declared as  
market sub-  
yard to e-  
platform.**

**31U.** A licence holder under section 7A for market sub-yard, desirous to link to e-platform of the Government of India, may apply, through the State Government or its agency, to the Government of India, Department of Agriculture, Co-operation and Farmers’ Welfare, in such form, along with such fee and in such manner, as may be prescribed by the Central Government.

**Integration  
of private  
market.**

**31V.** A licensee of private market yard desirous of integrating with e-trading portal, may apply through the State Government or its agency to the Central Government in such manner as may be prescribed by the Central Government.

**Inter-  
operability  
of e-  
trading  
platforms.**

**31W.** In order to evolve a unified National Agricultural Market and integrate various e-platforms, the applications in the e-platform shall be inter-operable as per specifications and standards laid down by the Director subject to the directions of the Central Government.

**Payment to  
sellers  
and  
maintenance  
of accounts.**

**31X.(1)** Notwithstanding anything contained in this Act, the payment of notified agricultural produce traded on e-platform shall be made in the same day of the sale transaction to the seller or in the maximum next day, if procedurally so required. In procedural exigencies on electronic trading, the payment to the seller may be made in such manner, as may be prescribed.

(2) The licensee or the market committee, as the case may be, shall maintain proper accounts of all the transactions taken place on electronic platform (e-platform) and submit such periodical reports and returns to the Managing Director or the authorized officer, at such time and in such forms, as may be prescribed by the Director, from time to time.

**Suspension  
or  
cancellation  
of licence of  
electronic  
trading  
platform.**

**31Y.** (1) The Director may, for the reasons to be recorded in writing suspend or cancel the licence granted under section 31T, if-

- (a) the licence has been obtained through wilful misrepresentation or fraud; or
- (b) the holder of licence or his representative or anyone acting on his behalf with his expressed or implied permission, commits a breach of any of the rules, regulations and terms or conditions of licence; or
- (c) the holder of licence himself or in combination with other licence holder commits any act or abstains from carrying on his normal business in the market area with the intention of wilfully obstructing, suspending or stopping the marketing of notified agricultural produce; or
- (d) the holder of the licence has become insolvent; or
- (e) the holder of the licence incurs any disqualification, as may be prescribed; or
- (f) the holder of the licence is convicted of any offence punishable under this Act.

(2) No licence shall be suspended or cancelled under this section without giving a reasonable opportunity of being heard to its holder.

**Redressal  
of  
Disputes  
settlement.**

**31Z.** Any dispute arising between licensees of e-trading platforms, under section 31T or between the licensees and market committee or the State agency shall be referred to the Director or the authorized officer, and the Director or the authorized officer shall

in summary manner within thirty days, after giving the parties a reasonable opportunity of being heard resolve the dispute and the decision of the Director or the authorized officer shall be final.

Dispute  
settlement  
with regard  
to Inter-  
State trade  
transactions.

**31ZA.** In case of any dispute arising out of inter-State trade transaction on e-platform or any other platform, the State Government may become part of such Authority, which may be constituted by the Central Government.

#### **CHAPTER-IVAAA REGULATION OF TRADING**

Sale-  
transaction of  
notified  
agricultural  
produce.

**31ZB.** (1) All notified agricultural produce shall ordinarily be sold in the principal market yards, sub-market yards and market sub-yards, private market yards or at the electronic trading platforms licenced under this Act:

Provided that the notified agricultural produce may be sold at other places also to a licence holder especially permitted by a market committee in this behalf under this Act.

(2) The market committee shall not regulate marketing of notified agricultural produce in its market area. The market committee shall enforce regulation on marketing of notified agricultural produce within the principal market yard, sub-market yard and market sub-yard and not outside the principal market yard, sub-market yard and market sub-yard.

(3) In relation to agricultural produce, nothing in the sub-section (1) shall apply to the following sale and purchase where –

(i) sale is made by the producer himself to any person for his domestic consumption in quantity up to such limits as may be prescribed;

(ii) brought for sale by head load;

(iii) purchase and sale is made by a petty trader;

(iv) purchase is made by an authorised fair price shop dealer from the Food Corporation of India, (FCI) “the State Civil Supplies Corporation” or any other agency or institution authorized by the Central or the State Government for distribution of essential commodities through the public distribution system; and

(v) the transfer of such agricultural produce to a co-operative society for the purpose of securing an advance therefrom.

(4) The price of the notified agricultural produce, brought for sale in the principal market yards, sub-market yards, private market yards, market sub-yards, electronic trading platform shall be settled by tender bid or open auction including e-auction and no deduction shall be made from the agreed price on any account whatsoever from the seller.

(5) Weighment or measurement or counting of all the notified agricultural produce so purchased shall be done by such person and in such manner as provided in the bye-laws or, at any other place specified for the purpose by the market committee.

**Terms and  
conditions  
and  
procedure  
of buying  
and selling.**

**31ZC.** (1) Except in the commercial transaction between two traders, any other person who buys notified agricultural produce in the principal market yards, sub-market yards and market sub-yards, shall execute an agreement (*kabala*) in triplicate in such form, as may be prescribed. One copy of the agreement (*kabala*) shall be kept by the buyer, one copy shall be supplied to the seller and the remaining copy shall be kept in the record of market committee or as the case may be the managing body.

(2) The price of the notified agricultural produce transacted in the principal market yards, sub-market yards, private market yards, market sub-yards or at e-platforms shall be paid on the same day to the seller or in the maximum next day if procedurally so required.

Payment on notified agricultural produce shall also be made to agriculturist-seller, licensee of the direct marketing, if sold on the same day there itself.

(3) The Commission agent shall recover his commission from his principal trader at the rate not exceeding two percent *ad valorem* on transaction of non- perishable agricultural produce; while in case of perishable agricultural produce, it shall not exceed four percent *ad-valorem* on transaction of agricultural produce, including all expenses as may be incurred by him in storage of the agricultural produce and other services rendered by him:

Provided that no commission shall be collected from the farmer-seller.

Recognition  
of unified  
single  
trading  
licence  
granted/  
renewed by  
other States.

**31ZD.** (1) Notwithstanding anything contained in this Act, the State Government may allow the holder of unified single trading license bearing unicode, issued by any other State or Union Territory to undertake trade transaction within its geographical jurisdiction on e-platform or any other format including physical that may be in operation, as a trader, in the manner as may be prescribed.

(2) Such licensee shall be liable to pay the market fee and other marketing charges at the rate applicable in the State of Gujarat for the transactions of trade taken place in the State of Gujarat in the manner as may be prescribed.

(3) In case of contravention of any of the provisions of this Act or the rules or bye-laws or any direction, the Director or the Managing Director or market committee, as the case may be, shall, after giving an opportunity to be heard, prohibit such licensee for trading purpose only within their respective jurisdiction, where a contravention has occurred, for a certain period or forever based on the gravity of breach or violation of provisions of this Act or the rules or the bye-laws or directions.

(4) The Director or the Managing Director or market committee of the respective jurisdiction, wherein the contravention has occurred,

may simultaneously submit a proposal containing details of the type and nature of contravention with evidence, to the concerned authority of the licence issuing State for taking further appropriate action against the licensee.”.

Amendment  
of section  
34M of  
Guj. 20 of  
1964.

**18.** In the principal Act, for section 34M, the following section shall be substituted, namely:-

Contribution  
to be paid to  
Board.

“**34M.**(1) Every market committee shall pay to the Board as contribution an amount equal to such percentage of its income not exceeding two per cent. of its income derived from licence fee and market fee as may be prescribed from time to time by the State Government.

(2) Every licensee of private market yard, private market sub-yard, e-trading platform and direct marketing purchaser shall contribute of its income derived from licence fee and market fee at such rate not exceeding two per cent, in the manner as may be prescribed, to the “Development Fund” maintained by the Board. Out of the said contribution eighty per cent. shall be given to the concerned local market committee and twenty per cent. shall be retained by the Board as the Development Fund.

(3) The State Government may, every year, make payment to the Board, by way of contribution or grants of an amount not less than five percent. of the aggregate amount contributed to the Board by the market committees under this section.

(4) The Board may utilize the Development Fund for all or any of the purposes mentioned in section 34-O including development of common marketing infrastructure, skill development, training, research and pledge financing and for such other activities as would aid in creating an efficient marketing system in the State.”.

Insertion of  
new section  
42A in  
Guj.20 of  
1964.

**19.** In the principal Act, after section 42, the following section shall be inserted, namely:-

**Bar of jurisdiction of civil courts.**

**“42A.**(1) No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with in accordance with the provisions of this Act.

(2) No court shall take cognizance of an offence under this Chapter, except upon a complaint made by the Director or the Managing Director or by any other officer authorized by him in this behalf.”.

**20.** In the principal Act, after section 43, the following section shall be inserted, namely:-

**Insertion of new section 43A in Guj. 20 of 1964.**

**Compounding of offences.**

**“43A.** (1) The market committee may accept a sum of money as decided by it from any person who has contravened any of the provisions of this Act, the rules or the bye-laws, made thereunder by way of compounding of such offence where the offence consists of the failure to payor the evasion of any fee, user charge, or other amount leviable and recoverable under this Act, the rules or the bye- laws in addition to the fee, user charge or other amount so leviable and recoverable, a sum of money not less than the amount of the fee or other amount and not more than two times the amount of fee or other amount.

(2) On compounding of any offence under sub- section (1), no proceedings shall be taken or continued against the person concerned in respect of such an offence, and if any proceedings in respect of that offence have already been instituted against him in any court, the compounding shall have effect of dropping of charges against him.”.

**21.** In the principal Act, in section 47, after sub-section (2), the following sub-sections shall be added, namely:-

**Amendment of section 47 of Guj. 20 of 1964.**



“(3) Where the Director is satisfied that the books of accounts and records of a market committee are likely to be suppressed, tampered with or destroyed, or the funds and property of a market committee are likely to be misappropriated or misapplied, the Director may, by an order, direct for seizure and taking possession of the books of accounts, records and property of the market committee.

(4) On receipt of the order under sub-section (3), the police officer not below the rank of Sub-Inspector of the local area shall enter and search any place where the records and property are kept or are likely to be kept and to seize them and hand over possession thereof to the Director or the person authorised by him, as the case may be.”.

Insertion  
of new  
section  
49A in  
Guj. 20 of  
1964.

**22.** In the principal Act, after section 49, the following section shall be inserted, namely:-

**Power to borrow.** **“49A.** (1) The market committee may, with the previous sanction of the Director, raise money from banks, Government approved financial institutions, required for carrying out the purposes for which it is established on the security of any property vested in it and of any fees or user charge leviable by it under this Act.

(2) The market committee may, for the purpose of meeting the initial expenditure on lands, buildings, staff and equipments required for establishing the market, obtain a loan from the State Government or the Board or other approved financial institution.

(3) The terms and conditions subject to which money or loan shall be raised or obtained under sub-section (1) or (2) and the time limit within which the same shall be repayable shall be subject to the previous sanction of the Director.”.

- 23.** In the principal Act, in section 58, in sub-section (1), -
- (i) after the words “against a market committee”, the words “or the Director or the Managing Director or the officer of the State Government” shall be inserted;
- (ii) after the words “and in case of”, the words “the Director or the Managing Director or the officer of the State Government or” shall be inserted.
- 24.** In the principal Act, after section 58, the following sections shall be inserted, namely:-
- Power to remove difficulties in giving effect to provisions of Guj. 8 of 2020.** **“58A.** (1) If any difficulty arises in giving effect to the provisions of the Gujarat Agricultural Produce Markets (Amendment) Act, 2020, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of the said amending Act, as appears to it to be necessary or expedient for removing the difficulty:
- Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of the said amending Act.
- (2) Every order made under this section shall, as soon as may be, after it is made, be laid before the State Legislature.
- Validation of certain notifications, orders, etc.** **58B.** Any notification or order issued under the principal Act and the rules made thereunder, immediately before the commencement of the Gujarat Agricultural Produce Marketing (Amendment) Act, 2020 shall be deemed to be validly issued under the relevant corresponding provisions of this Act as amended by the said amending Act.”.
- 25.** In the principal Act, in section 59, in sub-section (2), before clause (i), the following clauses shall be inserted, namely:-

Amendment  
of section 58  
of Guj. 20  
of 1964.

Insertion of new  
sections 58A  
and 58B in  
Guj. 20 of 1964.

Guj. 8 of  
2020.

Guj. 8 of  
2020.

Amendment  
of section 59  
of Guj. 20  
of 1964.

- “(ia) the form, manner and fee for application by the owner of warehouse, cold storage or such other structure or place for declaration such place as market sub-yard under section 7A;
- (iaa) the value of immovable property exceeding which the market committee cannot acquire or dispose of it without the prior permission of the Director under section 10;
- (iab) the manner of electing the representative of licensed commission agent under clause (vi) of sub-section (3) of section 11A;
- (iac) the manner of establishing and running e-trading platform for trading in notified agricultural produce under sub-section (2) of section 31S;
- (iad) the form, the manner, the fee, the security or bank guarantee for granting or renewing licence to establish e-trading platform on such terms and conditions under sub-section (1) of section 31T;
- (iae) the infrastructures and the services and the manner for providing it under sub-section (3) of section 31T;
- (iaf) the manner of payment to the seller of notified agricultural produce traded on e-platform under sub-section (1) of section 31X;
- (iag) the time, manner and forms in which the licensee or the market committee shall maintain accounts and submit it to the Director or the authorised officer under sub-section (2) of section 31X;
- (iah) the disqualifications that may be incurred by the holder of the licence that may be reason to suspend or cancel the licence under clause (e) of sub-section (1) of section 31Y;
- (iai) the limit of quantity up to which the notified agricultural produce could be sold or purchased out of the principal market yards, sub-market yards and market sub-yards private markets yards or at the e-trading platforms under clause (i) of sub-section (2) of section 31ZB;

- (iaj) the form of agreement to be executed under sub-section (1) of section 31 ZC;
- (iak) the manner to allow the holder of unified single trading licence to undertake trade transaction under section 31ZD;
- (ial) the market fee and other marketing charges payable by the licensee under section 31ZD;
- (iam) the manner of contribution to the Development Fund under section 34M;”.

**Guj. Ord.  
3 of 2020.**

**26.** (1) The Gujarat Agricultural Produce Markets (Amendment) Ordinance, 2020 is hereby repealed.

**Repeal  
and  
saving.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

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सत्यमेव जयते

# The Gujarat Government Gazette

## EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

#### PART - IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by  
the Governor on the 6<sup>th</sup> October, 2020 is hereby published for general information.

**K. M. LALA,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARAT ACT NO. 9 OF 2020.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 7<sup>th</sup> October, 2020).

#### AN ACT

to repeal certain Gujarat Appropriation Acts including the Gujarat  
(Supplementary) Appropriation Acts, the Gujarat Appropriation (Excess  
Expenditure) Acts and the Gujarat Appropriation (Vote on Account) Acts  
enacted by the Gujarat Legislature during the year 1960 to 2006 .

It is hereby enacted in the Seventy-first Year of the Republic of India  
as follows:-

1. This Act may be called the Gujarat Appropriation Acts (Repeal) Act, 2020. **Short title.**
2. The enactments specified in the Schedule are hereby repealed to the extent mentioned in the column (5) thereof. **Repeal of Appropriation Acts.**

**Savings.** 3. The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or;

from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, liability, right, title, privilege, restriction, exemption, practice, procedure or other matter or thing not now existing or in force;

nor shall the repeal of the enactments by this Act affect the audit, examination, accounting, investigation, inquiry or any other action taken or to be taken in relation thereto by any authority and such audit, examination, accounting, investigation, inquiry or action could be taken, and, or continued as if the said enactments are not repealed by this Act.

***Explanation.-*** For the purpose of this Act, the term “Appropriation Acts” shall include all the Acts as specified in the Schedule.

**SCHEDULE**  
(See section 2)

<b>Sr. No.</b>	<b>Act No.</b>	<b>Year</b>	<b>Short Title</b>	<b>Extent of repeal</b>
(1)	(2)	(3)	(4)	(5)
1.	7	1960	The Gujarat Appropriation Act, 1960.	The whole
2.	2	1961	The Gujarat (Supplementary) Appropriation Act, 1961.	The whole
3.	5	1961	The Gujarat Appropriation Act, 1961.	The whole
4.	29	1961	The Gujarat (Second Supplementary) Appropriation Act, 1961.	The whole
5.	13	1962	The Gujarat Appropriation (Vote on Account) Act, 1962.	The whole
6.	14	1962	The Gujarat (Supplementary) Appropriation Act, 1962.	The whole
7.	17	1962	The Gujarat Appropriation Act, 1962.	The whole
8.	19	1962	The Gujarat (Second Supplementary) Appropriation Act, 1962.	The whole
9.	10	1963	The Gujarat (Supplementary) Appropriation Act, 1963.	The whole
10.	12	1963	The Gujarat Appropriation Act, 1963.	The whole
11.	21	1963	The Gujarat Appropriation (Excess Expenditure) Act, 1963.	The whole
12.	39	1963	The Gujarat (Second Supplementary) Appropriation Act, 1963.	The whole
13.	7	1964	The Gujarat (Supplementary) Appropriation Act, 1964.	The whole
14.	10	1964	The Gujarat Appropriation Act, 1964.	The whole
15.	18	1964	The Gujarat Appropriation (Excess Expenditure) Act, 1964.	The whole
16.	22	1964	The Gujarat (Second Supplementary) Appropriation Act, 1964.	The whole
17.	2	1965	The Gujarat (Supplementary) Appropriation Act, 1965.	The whole
18.	4	1965	The Gujarat Appropriation Act, 1965.	The whole
19.	12	1965	The Gujarat Appropriation (Excess Expenditure) Act, 1965.	The whole
20.	21	1965	The Gujarat (Second Supplementary) Appropriation Act, 1965.	The whole
21.	3	1966	The Gujarat (Supplementary) Appropriation Act, 1966.	The whole
22.	5	1966	The Gujarat Appropriation Act, 1966.	The whole
23.	16	1966	The Gujarat (Second Supplementary) Appropriation Act, 1966.	The whole
24.	18	1966	The Gujarat Appropriation (Excess Expenditure) Act, 1966.	The whole
25.	1	1967	The Gujarat Appropriation (Vote on Account) Act, 1967.	The whole

<b>Sr. No.</b>	<b>Act No.</b>	<b>Year</b>	<b>Short Title</b>	<b>Extent of repeal</b>
(1)	(2)	(3)	(4)	(5)
26.	2	1967	The Gujarat (Supplementary) Appropriation Act, 1967.	The whole
27.	7	1967	The Gujarat Appropriation Act, 1967.	The whole
28.	2	1968	The Gujarat (Supplementary) Appropriation Act, 1968.	The whole
29.	5	1968	The Gujarat Appropriation (Excess Expenditure) Act, 1968.	The whole
30.	9	1968	The Gujarat Appropriation Act, 1968.	The whole
31.	15	1968	The Gujarat (Second Supplementary) Appropriation Act, 1968.	The whole
32.	1	1969	The Gujarat (Supplementary) Appropriation Act, 1969.	The whole
33.	3	1969	The Gujarat Appropriation Act, 1969.	The whole
34.	12	1969	The Gujarat (Second Supplementary) Appropriation Act, 1969.	The whole
35.	14	1969	The Gujarat Appropriation (Excess Expenditure) Act, 1969.	The whole
36.	22	1969	The Gujarat (Third Supplementary) Appropriation Act, 1969.	The whole
37.	3	1970	The Gujarat (Supplementary) Appropriation Act, 1970.	The whole
38.	4	1970	The Gujarat Appropriation Act, 1970.	The whole
39.	9	1970	The Gujarat (Second Supplementary) Appropriation Act, 1970.	The whole
40.	12	1970	The Gujarat Appropriation (Excess Expenditure) Act, 1970.	The whole
41.	3	1971	The Gujarat (Supplementary) Appropriation Act, 1971.	The whole
42.	4	1971	The Gujarat Appropriation (Vote on Account) Act, 1971.	The whole
43.	1	1972	The Gujarat (Supplementary) Appropriation Act, 1972.	The whole
44.	2	1972	The Gujarat Appropriation (Vote on Account) Act, 1972.	The whole
45.	10	1972	The Gujarat Appropriation Act, 1972.	The whole
46.	11	1972	The Gujarat Appropriation (Excess Expenditure) Act, 1972.	The whole
47.	15	1972	The Gujarat (Second Supplementary) Appropriation Act, 1972.	The whole
48.	27	1972	The Gujarat (Third Supplementary) Appropriation Act, 1972.	The whole
49.	7	1973	The Gujarat (Supplementary) Appropriation Act, 1973.	The whole
50.	8	1973	The Gujarat Appropriation Act, 1973.	The whole
51.	23	1973	The Gujarat (Second Supplementary) Appropriation Act, 1973.	The whole
52.	3	1975	The Gujarat Appropriation Act, 1975.	The whole



Sr. No.	Act No.	Year	Short Title	Extent of repeal
(1)	(2)	(3)	(4)	(5)
53.	6	1976	The Gujarat (Supplementary) Appropriation Act, 1976.	The whole
54.	1	1977	The Gujarat (Supplementary) Appropriation Act, 1977.	The whole
55.	2	1977	The Gujarat Appropriation (Vote on Account) Act, 1977.	The whole
56.	12	1977	The Gujarat Appropriation Act, 1977.	The whole
57.	20	1977	The Gujarat Appropriation (Excess Expenditure) Act, 1977.	The whole
58.	21	1977	The Gujarat Appropriation (Excess Expenditure) (Second) Act, 1977.	The whole
59.	14	1978	The Gujarat (Supplementary) Appropriation Act, 1978.	The whole
60.	22	1978	The Gujarat Appropriation Act, 1978.	The whole
61.	25	1978	The Gujarat Appropriation (Excess Expenditure) Act, 1978.	The whole
62.	30	1978	The Gujarat (Second Supplementary) Appropriation Act, 1978.	The whole
63.	6	1979	The Gujarat (Supplementary) Appropriation Act, 1979.	The whole
64.	8	1979	The Gujarat Appropriation Act, 1979.	The whole
65.	22	1979	The Gujarat (Second Supplementary) Appropriation Act, 1979.	The whole
66.	2,	1980	The Gujarat Appropriation (Vote on Accounts) Act, 1980.	The whole
67.	16	1980	The Gujarat Appropriation Act, 1980.	The whole
68.	17	1980	The Gujarat (Supplementary) Appropriation Act, 1980.	The whole
69.	27	1980	The Gujarat Appropriation (Excess Expenditure) Act, 1980.	The whole
70.	28	1980	The Gujarat Appropriation (Excess Expenditure) (Second) Act, 1980.	The whole
71.	29	1980	The Gujarat Appropriation (Excess Expenditure) (Third) Act, 1980.	The whole
72.	30	1980	The Gujarat Appropriation (Excess Expenditure) (Fourth) Act, 1980.	The whole
73.	31	1980	The Gujarat Appropriation (Excess Expenditure) (Fifth) Act, 1980.	The whole
74.	8	1981	The Gujarat (Supplementary) Appropriation Act, 1981.	The whole
75.	14	1981	The Gujarat Appropriation Act, 1981.	The whole
76.	25	1981	The Gujarat (Second Supplementary) Appropriation Act, 1981.	The whole
77.	12	1982	The Gujarat (Supplementary) Appropriation Act, 1982.	The whole
78.	14	1982	The Gujarat Appropriation Act, 1982.	The whole

<b>Sr. No.</b>	<b>Act No.</b>	<b>Year</b>	<b>Short Title</b>	<b>Extent of repeal</b>
(1)	(2)	(3)	(4)	(5)
79.	4	1983	The Gujarat (Supplementary) Appropriation Act, 1983.	The whole
80.	5	1983	The Gujarat Appropriation Act, 1983.	The whole
81.	15	1983	The Gujarat (Second Supplementary) Appropriation Act, 1983.	The whole
82.	5	1984	The Gujarat (Supplementary) Appropriation Act, 1984.	The whole
83.	12	1984	The Gujarat Appropriation Act, 1984.	The whole
84.	19	1984	The Gujarat (Second Supplementary) Appropriation Act, 1984.	The whole
85.	1	1985	The Gujarat (Supplementary) Appropriation Act, 1985.	The whole
86.	2	1985	The Gujarat Appropriation (Vote on Account) Act, 1985.	The whole
87.	12	1985	The Gujarat Appropriation Act, 1985.	The whole
88.	12	1986	The Gujarat (Supplementary) Appropriation Act, 1986.	The whole
89.	16	1986	The Gujarat Appropriation Act, 1986.	The whole
90.	27	1986	The Gujarat Appropriation (Excess Expenditure) Act, 1986.	The whole
91.	28	1986	The Gujarat Appropriation (Excess Expenditure) (Second) Act, 1986.	The whole
92.	11	1987	The Gujarat Appropriation (Excess Expenditure) Act, 1987.	The whole
93.	12	1987	The Gujarat Appropriation (Excess Expenditure) (Second) Act, 1987.	The whole
94.	13	1987	The Gujarat (Supplementary) Appropriation Act, 1987.	The whole
95.	14	1987	The Gujarat Appropriation Act, 1987.	The whole
96.	25	1987	The Gujarat (Second Supplementary) Appropriation Act, 1987.	The whole
97.	3	1988	The Gujarat (Supplementary) Appropriation Act, 1988.	The whole
98.	4	1988	The Gujarat Appropriation (Vote on Account) Act, 1988.	The whole
99.	6	1988	The Gujarat Appropriation Act, 1988.	The whole
100.	11	1988	The Gujarat Appropriation (Excess Expenditure) Act, 1988.	The whole
101.	3	1989	The Gujarat (Supplementary) Appropriation Act, 1989.	The whole
102.	12	1989	The Gujarat Appropriation Act, 1989.	The whole
103.	17	1989	The Gujarat Appropriation (Excess Expenditure) Act, 1989.	The whole
104.	22	1989	The Gujarat (Second Supplementary) Appropriation Act, 1989.	The whole
105.	2	1990	The Gujarat (Supplementary) Appropriation Act, 1990.	The whole

<b>Sr. No.</b>	<b>Act No.</b>	<b>Year</b>	<b>Short Title</b>	<b>Extent of repeal</b>
(1)	(2)	(3)	(4)	(5)
106.	3	1990	The Gujarat Appropriation (Vote on Account) Act, 1990.	The whole
107.	14	1990	The Gujarat Appropriation Act, 1990.	The whole
108.	5	1991	The Gujarat (Supplementary) Appropriation Act, 1991.	The whole
109.	11	1991	The Gujarat Appropriation Act, 1991.	The whole
110.	2	1992	The Gujarat (Supplementary Appropriation) Act, 1992.	The whole
111.	5	1992	The Gujarat Appropriation Act, 1992.	The whole
112.	5	1993	The Gujarat Appropriation (Excess Expenditure) Act, 1993.	The whole
113.	6	1993	The Gujarat (Supplementary) Appropriation Act, 1993.	The whole
114.	7	1993	The Gujarat Appropriation Act, 1993.	The whole
115.	5	1994	The Gujarat (Supplementary) Appropriation Act, 1994.	The whole
116.	6	1994	The Gujarat Appropriation (Vote on Account) Act, 1994.	The whole
117.	18	1994	The Gujarat Appropriation Act, 1994.	The whole
118.	1	1995	The Gujarat (Supplementary) Appropriation Act, 1995.	The whole
119.	2	1995	The Gujarat Appropriation (Vote on Account) Act, 1995.	The whole
120.	10	1995	The Gujarat Appropriation Act, 1995.	The whole
121.	5	1996	The Gujarat (Supplementary) Appropriation Act, 1996.	The whole
122.	6	1996	The Gujarat Appropriation Act, 1996.	The whole
123.	9	1997	The Gujarat (Supplementary) Appropriation Act, 1997.	The whole
124.	16	1997	The Gujarat Appropriation Act, 1997.	The whole
125.	3	1998	The Gujarat Appropriation (Vote on Account) Act, 1998.	The whole
126.	4	1998	The Gujarat (Supplementary) Appropriation Act, 1998.	The whole
127.	12	1998	The Gujarat Appropriation Act, 1998.	The whole
128.	14	1998	The Gujarat Appropriation (Excess Expenditure) Act, 1998.	The whole
129.	15	1998	The Gujarat Appropriation (Excess Expenditure) (Second) Act, 1998.	The whole
130.	16	1998	The Gujarat Appropriation (Excess Expenditure) (Third) Act, 1998.	The whole
131.	17	1998	The Gujarat Appropriation (Excess Expenditure) (Fourth) Act, 1998.	The whole
132.	18	1998	The Gujarat Appropriation (Excess Expenditure) (Fifth) Act, 1998.	The whole
133.	19	1998	The Gujarat Appropriation (Excess Expenditure) (Sixth) Act, 1998.	The whole

<b>Sr. No.</b>	<b>Act No.</b>	<b>Year</b>	<b>Short Title</b>	<b>Extent of repeal</b>
(1)	(2)	(3)	(4)	(5)
134.	4	1999	The Gujarat (Supplementary) Appropriation Act, 1999.	The whole
135.	10	1999	The Gujarat Appropriation Act, 1999.	The whole
136.	6	2000	The Gujarat (Supplementary) Appropriation Act, 2000.	The whole
137.	7	2000	The Gujarat Appropriation Act, 2000.	The whole
138.	18	2000	The Gujarat (Second Supplementary) Appropriation Act, 2000.	The whole
139.	7	2001	The Gujarat Appropriation (Vote on Account) Act, 2001.	The whole
140.	8	2001	The Gujarat (Supplementary) Appropriation Act, 2001.	The whole
141.	9	2001	The Gujarat Appropriation (Excess Expenditure) Act, 2001.	The whole
142.	10	2001	The Gujarat Appropriation (Excess Expenditure) (Second) Act, 2001.	The whole
143.	21	2001	The Gujarat Appropriation Act, 2001.	The whole
144.	1	2002	The Gujarat (Supplementary) Appropriation Act, 2002.	The whole
145.	2	2002	The Gujarat Appropriation Act, 2002.	The whole
146.	13	2003	The Gujarat (Supplementary) Appropriation Act, 2003.	The whole
147.	17	2003	The Gujarat Appropriation Act, 2003.	The whole
148.	7	2004	The Gujarat Appropriation (Vote on Account) Act, 2004.	The whole
149.	8	2004	The Gujarat (Supplementary) Appropriation Act, 2004.	The whole
150.	9	2004	The Gujarat Appropriation (Excess Expenditure) Act, 2004.	The whole
151.	10	2004	The Gujarat Appropriation (Excess Expenditure) (Second) Act, 2004.	The whole
152.	25	2004	The Gujarat Appropriation Act, 2004.	The whole
153.	10	2005	The Gujarat (Supplementary) Appropriation Act, 2005.	The whole
154.	14	2005	The Gujarat Appropriation Act, 2005.	The whole
155.	7	2006	The Gujarat (Supplementary) Appropriation Act, 2006.	The whole
156.	22	2006	The Gujarat Appropriation Act, 2006.	The whole

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# The Gujarat Government Gazette

## EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

#### PART IV

**Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 6<sup>th</sup> October, 2020 is hereby published for general information.

**K. M. LALA,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARAT ACT NO. 10 OF 2020.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 7<sup>th</sup> October, 2020).

#### AN ACT

further to amend the Gujarat Fisheries Act, 2003.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Fisheries (Amendment) Act, 2020. **Short title and commencement.**

(2) It shall be deemed to have come into force on the 22<sup>nd</sup> June, 2020.

**Amendment  
of section 2  
of Guj. 8 of  
2003.**

**2.** In the Gujarat Fisheries Act, 2003 (hereinafter referred to as “the principal Act”), in section 2, -

**Guj. 8 of  
2003.**

- (i) to clause (a), the following proviso shall be added, namely:-  
“Provided that the District Magistrate shall be the Adjudicating Officer for the purpose of clause (c) of sub-section (1) of section 17;”;
- (ii) after clause (b), the following clause shall be inserted, namely:-  
“(bb) “crossing of notional Indo-Pak International Maritime Boundary Line” means an act of fishing vessel entering any area in the “No Fishing Zone” as notified by the Ministry of Home Affairs on 4<sup>th</sup> May, 1993 which is situated within the territorial waters;”;
- (iii) for clause (c), the following clause and the proviso thereunder shall be substituted, namely:-  
“(c) “Enforcement Officer” means such fishery officer or any Police Sub-Inspector or above, posted in the Marine Police Station as notified by the State Government under clause (s) of section 2 of the Code of Criminal Procedure, 1973 as the State Government may appoint for the purpose of section 15:

**2 of 1974.**

Provided that the Sub-Divisional Magistrate of the concerned area shall be the Enforcement Officer for the purpose of clause (f) of sub-section (1) of section 21.”.

**Amendment  
of section 6  
of Guj. 8 of  
2003.**

**3.** In the principal Act, in section 6, in the marginal note, after the words “to protect fish”, the words “and to ensure internal security” shall be added.

**Amendment  
of section 15  
of Guj. 8 of  
2003.**

**4.** In the principal Act, in section 15, -

- (i) in clause (iii), the word “and” appearing at the end shall be deleted;
- (ii) in clause (iv), the words “and in other cases, to the Police officer in charge of a police station” shall be deleted;

(iii) after clause (iv), the following clauses shall be added, namely:-

- “(v) use such force for taking any action under clause (i) as may reasonably be necessary,
- (vi) where any vessel or other things are seized by the Enforcement Officer, the same may reasonably be necessary,
- (vii) provide to the seized vessel, the docking facility by the port notified for the purpose and charges towards docking, maintenance and other related costs of the seized vessel in the manner as may be prescribed, and
- (viii) produce the seized vessel or other things before a magistrate competent to try an offence under this Act as soon as possible and the magistrate may make such order therefor as he may deem fit.”.

5. In the principal Act, in section 17, in sub-section (1),-

- (1) in clause (a), the word “or” appearing at the end shall be deleted;
- (2) in clause (b), for the words “such permission” appearing at the end, the words “such permission, or” shall be substituted;
- (3) after clause (b), the following clause shall be inserted, namely:-

“(c) the Sub-Divisional Magistrate under clause (f) of sub-section (1) of section 21 imposing fine on the person entering the territorial water,”.

**Amendment  
of section 17  
of Guj. 8 of  
2003.**

6. In the principal Act, in section 21, in sub-section (1), after clause (e), the following clause shall be added, namely:-

“(f) Whoever enters the territorial waters with the fishing vessel from outside the territorial waters of the State for the purpose of fishing or for any other allied purpose in contravention of any provision of this Act shall be punishable by the Sub-Divisional Magistrate of the concerned area with fine of rupees one lakh and five times the value of the fish captured by such person.”.

**Amendment  
of section 21  
of Guj. 8 of  
2003.**

**Amendment  
of section 23  
of Guj. 8 of  
2003.**

**7.** In the principal Act, in section 23, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence other than the offence punishable under clause (b), (c), (d) or (f) of sub-section (1) of section 21 shall be cognizable.”. **2 of 1974.**

**Repeal  
and  
saving.**

**8.** (1) The Gujarat Fisheries (Amendment) Ordinance, 2020 is hereby repealed.

**Guj. Ord. 4  
of 2020.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

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# The Gujarat Government Gazette

## EXTRAORDINARY

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FRIDAY, OCTOBER 09, 2020/ ASVINA 17, 1942

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#### PART - IV

**Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 8<sup>th</sup> October, 2020 is hereby published for general information.

**K. M. LALA,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### **GUJARAT ACT NO. 11 OF 2020.**

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 9<sup>th</sup> October, 2020).

#### **AN ACT**

to prohibit land grabbing activities and connected matters in the State of Gujarat.

It is hereby enacted in the Seventy-first Year of the Republic of India as follow:-

1. (1) This Act may be called the Gujarat Land Grabbing (Prohibition) Act, 2020.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall be deemed to have come into force on the 29<sup>th</sup> August, 2020.

**Short title,  
extent and  
commencement.**

**Definitions.** 2. In this Act, unless the context otherwise requires,-

- (a) "Committee" means a committee notified from time to time by the State Government under the chairmanship of District Collector for the purposes of this Act;
- (b) "Government" means the Government of Gujarat;
- (c) "land" includes rights in or over land, benefits to arise out of land and buildings, structures and other things attached to the earth or permanently fastened to anything attached to the earth;
- (d) "land grabber" means a person who commits land grabbing and includes any person who gives financial aid to any person for taking illegal possession of lands or for construction of unauthorized structures thereon, or who collects or attempts to collect from any occupiers of such lands rent, compensation and other charges by criminal intimidation, or who abets the doing of any of the above mentioned acts, and also includes the successors-in-interest;
- (e) "land grabbing" means every activity of land grabber to occupy or attempt to occupy with or without the use of force, threat, intimidation and deceit, any land (whether belonging to the Government, a Public Sector Undertaking, a local authority, a religious or charitable institution or any other private person) over which he or they have no ownership, title or physical possession, without any lawful entitlement and with a view to illegally taking possession of such land or creating illegal tenancies or lease or licence, agreements or transfer or sale or by constructing unauthorized structures thereon for sale or hire or use or occupation of such unauthorized structures and the term "grabbed land" shall be construed accordingly;
- (f) "person" includes a group or body of persons, an association or a company, or a religious or charitable institution or endowment, whether incorporated or not;

- (g) “prescribed” means prescribed by rules made under this Act;
- (h) ‘Special Court’ means a Special Court constituted under section 7;
- (i) “unauthorized structures” means any structure constructed, without express permission in writing of the competent authority, or except in accordance with any law for the time being in force in the area.

3. The land grabbing in any form shall be prohibited and declared unlawful and any activity connected with or arising out of land grabbing shall be an offence punishable under this Act.

**Land  
grabbing  
to be  
unlawful.**

4. (1) No person shall commit or cause to be committed land grabbing, by himself or through any other person.

**Prohibition  
on land  
grabbing.**

(2) Any person who, on or after the commencement of this Act, continues to be in occupation, otherwise than as a lawful tenant, of a grabbed land belonging to the Government, local authority, religious or charitable institution or endowment or other private person, shall be guilty of an offence under this Act.

(3) Whoever contravenes the provisions of sub-section (1) or sub-section (2) shall on conviction, be punished with imprisonment for a term which shall not be less than ten years but which may extend to fourteen years and with fine which may extend to *Jantri* value of such properties.

5. Whoever, with a view to grabbing land in contravention of the provisions of this Act or in connection with any such land grabbing,-

**Penalty for  
other offences  
in connection  
with land  
grabbing.**

- (a) sells or allots, or offers or advertises for sale or allotment, or has in his possession for the purpose of sale or allotment any land grabbed;
- (b) instigates or incites any person to commit land grabbing;
- (c) uses any land grabbed or causes or permits knowingly to be used for purposes, connected with sale or allotment; or

- (d) enters into an agreement for construction of any structure or buildings on such land;
- (e) causes or procures or attempts to procure any person to do any of above mentioned acts;

shall, on conviction, be punished with imprisonment for a term which shall not be less than ten years but which may extend to fourteen years and with fine which may extend to *Jantri* value of such properties.

**Offences by companies.**

**6.** (1) If the person contravening the provisions of this Act is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation:—** For the purposes of this section:-

- (a) "Company" means anybody corporate and includes firm or other association of individuals; and
- (b) "Director" in relation to a firm, means a partner in the firm.

**Constitution of Special Courts.**

**7.** (1) The State Government may, with the concurrence of the Chief Justice of the High Court of Gujarat, by notification in the *Official Gazette* constitute one or more Special Courts for such area or areas, or for such cases or class or group of cases, as may be specified in the notification.

(2) Where any question arises as to the jurisdiction of any Special Court, it shall be referred to the State Government, whose decision in the matter shall be final.

(3) A Special Court shall be presided over by a judge to be appointed by the State Government with the concurrence of the Chief Justice of the High Court of the Gujarat.

(4) The State Government may also appoint, with the concurrence of the Chief Justice of the High Court of Gujarat, Additional Judges to exercise jurisdiction of the Special Court.

(5) A person shall not be qualified for appointment as a Judge or an Additional Judge of a Special Court unless he immediately before such appointment, is or has been a Sessions Judge or a District Judge.

(6) The Government from time to time may, by notification in the *Official Gazette*, reconstitute the Special Courts constituted under sub-section (1) and may, at any time abolish such Special Courts by a like notification.

(7) A Judge of the Special Court shall hold office for a term of three years from the date on which he enters upon his office, or until the Special Court is reconstituted or abolished under sub-section (6), whichever is earlier.

8. The State Government shall appoint, for every Special Court, a person to be the Public Prosecutor.

**Public  
Prosecutor.**

9. (1) The Special Court may, either *suo moto* or on application made by any person, or any officer authorized by District Collector, take cognizance of and try every case arising out of any alleged act of land grabbing or with respect to the ownership and title to, or lawful possession of, the land grabbed, whether before or after the commencement of this Act, and pass such orders (including orders by way of interim directions) as it deems fit.

**Procedure  
and  
powers of  
Special  
Courts.**

(2) Notwithstanding anything in the Code of Civil Procedure, 1908, any case in respect of an alleged act of land grabbing or the determination of question of title and ownership to, or lawful possession of any land grabbed

**V of 1908.**

under this Act, shall, subject to the provisions of this Act, be triable in the Special Court and the decision of Special Court shall be final.

V of 1908. (3) Notwithstanding anything in the Code of Civil Procedure 1908, the Special Court may follow its own procedure which shall not be inconsistent with the principles of natural justice and fair play and subject to the other provisions of this Act and of any rules made thereunder while deciding the Civil liability,

2 of 1974. (4) Notwithstanding anything in the Code of Criminal Procedure, 1973, it shall be lawful for the Special Court to try all offences punishable under this Act.

(5) The Special Court shall determine the order in which the civil and criminal liability against a land grabber be initiated. It shall be within the discretion of the Special Court whether or not to deliver its decision or order until both civil and criminal proceedings are completed. The evidence admitted during the criminal proceeding may be made use of while trying the civil liability. But additional evidence, if any, adduced in the civil proceedings shall not be considered by the Special Court while determining the criminal liability. Any person accused of land grabbing or the abetment thereof before the Special Court shall be a competent witness for the defence and may give evidence on oath in disproof of the charge made against him or any person charged together with him in the criminal proceeding:

Provided that he shall not be called as a witness except on his own request in writing or his failure to give evidence shall be made the subject of any comment by any of the parties or the special court or give rise to any presumption against himself or any person charged together with him at the same proceeding.

(6) Every case under sub-section (1) shall be disposed off finally by the Special Court, as far as possible, within a period of six months from the date of institution of the case before it.

(7) Every finding of the Special Court with regard to any alleged act of land grabbing shall be conclusive proof of the fact of land grabbing and of the persons who committed such land grabbing, and every judgment of the Special Court with regard to the determination of title and ownership to, or lawful possession of, any land grabbed shall be binding on all persons having interest in such land.

(8) When an offence of land grabbing is proved, the Special Court may if it thinks fit, order that possession of the same be restored to that person after evicting by force, if necessary, any other person who may be in possession of the property.

(9) It shall be lawful for the Special Court to pass such order as it may deem fit to advance the cause of justice. It may award compensation in terms of money for wrongful possession of the land grabbed which shall not be less than an amount equivalent to the *Jantri* value of the land grabbed as on the date of the order and profits accrued from the land payable by the land grabber to the owner of the grabbed land and may direct re-delivery of the grabbed land to its rightful owner. The amount of compensation and profits, so awarded and costs of re-delivery, if any, shall be recovered as an arrear of land revenue in case the Government is the owner, or as a decree of a civil court, in any other case to be executed by the Special Court:

Provided that the Special Court shall, before passing an order under this sub-section, give to the land grabber an opportunity of making his representation or of adducing evidence, if any, in this regard, and consider such representation and evidence.

**V of 1908. 10.** Save as expressly provided in this Act, the provisions of the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973, in so far as they are not inconsistent with the provisions of this Act, shall apply to the proceedings before the Special Court and for the purposes of the provisions of the said enactments, Special Court shall be deemed to be a Civil Court, or as the case may be, a Court of Sessions and shall have all the powers of a Civil Court and a Court of Sessions and person conducting a prosecution before the Special Court shall be deemed to be an Assistant Public Prosecutor.

**Special Court to have powers of Civil Court and the Court of Sessions.**

**Burden of proof.**

**11.** (1) Where in any proceedings under this Act, a land is alleged to have been grabbed, and such land is *prima facie* proved to be the land owned by the Government or by a private person, the Special Court shall presume that the person who is alleged to have grabbed the land is a land-grabber and the burden of proving that the land has not been grabbed by him shall be on such person.

(2) Where it is proved that a land grabber or any person on his behalf is or has at any time been, in possession of movable or immovable property which he cannot satisfactorily account for, or where his pecuniary resources are disproportionate to his known sources of income, the Court shall, unless contrary is proved, presume that such property or pecuniary resources have been acquired or derived by his activities as a land grabber.

**Information to be recorded and investigation to be carried out by the police officer.**

**12.** Notwithstanding anything contained in the Code of Criminal Procedure, 1973,-

(a) no information about the commission of an offence under this Act, shall be recorded by a police officer without the prior approval of the District Collector in consultation with the Committee notified by the Government;

(b) no investigation of an offence under the provision of this Act shall be carried out by a police officer below the rank of the Deputy Superintendent of Police, or for the areas where the Commissioner of Police is appointed by the State Government, by a police officer not below the rank of the Assistant Commissioner of Police.

**Persons acting under the Act to be public servants.**

**13.** Every person acting under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. **45 of 1860.**

**Protection of action taken in good faith.**

**14.** No suit, prosecution or other legal proceeding shall lie against any officer or employee of the special Court or any officer of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.



**15.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or custom, usage or agreement or decree or order of a court or any other tribunal or authority.

**Act to  
override  
other laws.**

**16.** (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

**Power to  
make  
rules.**

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to such modifications as the legislature may make during the session in which they are so laid or the session immediately following.

**17.** Any transaction relating to an alienation of a land grabbed or any part thereof by way of sale, lease, gift, exchange, settlement, surrender, usufructuary mortgage or otherwise, or any partition effected or a trust created in respect of such land, which has taken place whether before or after the commencement of this Act shall, except to the extent ordered by the Special Court be null and void.

**Prohibition of  
alienation of  
lands grabbed.**

**18.** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as appears to be necessary or expedient for removing the difficulty:

**Power of State  
Government to  
remove  
difficulties.**

Provided that no order under sub-section (1) shall be made after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

**Guj. Ord.  
10 of  
2020.**

**19.** (1) The Gujarat Land Grabbing (Prohibition) Ordinance, 2020 is hereby repealed.

**Repeal and  
saving.**

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the said Act.

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# The Gujarat Government Gazette

## EXTRAORDINARY

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FRIDAY, OCTOBER 9, 2020 / ASVINA 17, 1942

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#### PART - IV

#### Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 8<sup>th</sup> October, 2020 is hereby published for general information.

**K. M. LALA,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARAT ACT NO. 12 OF 2020.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 9<sup>th</sup> October, 2020).

#### AN ACT

further to amend the Gujarat Prevention of Anti-social Activities Act, 1985.

It is hereby enacted in the Seventy-first Year of the Republic of India  
as follows:-

1. (1) This Act may be called the Gujarat Prevention of Anti-social Activities  
(Amendment) Act, 2020.

**Short title and  
commencemen**

(2) It shall be deemed to have come into force on the 7<sup>th</sup> September, 2020.

Amendment  
of long title of  
Guj. 16 of  
1985.

2. In the Gujarat Prevention of Anti-social Activities Act, 1985 (hereinafter referred to as “the principal Act”), in the long title, for the words “immoral traffic offenders and property grabbers”, the words “immoral traffic offenders, property grabbers, cyber offenders, money lending offenders and sexual offenders” shall be substituted.

Guj. 16 of  
1985.

Amendment  
of section 2 of  
Guj. 16 of  
1985.

3. In the principal Act, in section 2, -
- (i) for clause (bb), the following clause shall be substituted, namely:-
- “(bb) “common gaming house keeper” means a person who commits or attempts to commit or abets the commission of an offence punishable under section 4 of the Gujarat Prevention of Gambling Act, 1887;”;
- (ii) after clause (bbb), the following clause shall be inserted, namely:-
- “(ba) “cyber offender” means a person who commits or attempts to commit or abets the commission of offence punishable under Chapter XI of the Information Technology Act, 2000;”;
- (iii) in clause (c), for the words “Chapter XVI or Chapter XVII of the Indian Penal Code”, the words “Chapter VIII or Chapter XVI (except section 354, 354A, 354B, 354C, 354D, 376, 376-A, 376-B, 376-C, 376-D or 377) or Chapter XVII or Chapter XXII of the Indian Penal Code” shall be substituted.
- (iv) after clause (g), the following clause shall be inserted, namely:-
- “(ga) “money lending offender” means a person, who commits or attempts to commit or abets the commission of offences under Chapter IX of the Gujarat Money Lenders Act, 2011 or a money lender or any person engaged by the money lender or someone acting on his behalf, who uses or threatens to use physical violence directly or otherwise or through any person against any person for the purpose of collecting any part of the loan or interest thereon

Bom. IV  
of 1887.

21 of 2000.

45 of 1860.

45 of  
1860.

Guj. 14  
of 2011.

or any instalment thereof or for taking any movable or immovable property connected with the loan transaction or the realization of whole or part of the loan amount or interest thereon.”.

(v) after clause (h), the following clause shall be inserted, namely:-

“(ha) “sexual offender” means a person, who commits or attempts to commit or abets the commission of any offence punishable under section 354, 354A, 354B, 354C, 354D, 376, 376-A, 376-B, 376-C, 376-D or 377 of the Indian Penal Code or the Protection of Children from Sexual Offences Act, 2012;”.

45 of 1860.

32 of 2012.

4. In the principal Act, in section 3, in sub-section (4), after the words “immoral traffic offender or property grabber”, the words “cyber offender or money lending offender or sexual offender” shall be inserted.

**Amendment  
of section 3  
of Guj. 16 of  
1985.**

**Guj.  
Ord. 11  
of 2020.**

5. (1) The Gujarat Prevention of Anti-social Activities (Amendment) Ordinance, 2020 is hereby repealed.

**Repeal  
and  
saving.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

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The following Act of the Gujarat Legislature, having been assented to by the Governor on the 8<sup>th</sup> October, 2020 is hereby published for general information.

**K. M. LALA,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARAT ACT NO. 13 OF 2020.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 9<sup>th</sup> October, 2020).

#### AN ACT

further to amend the Gujarat Tenancy and Agricultural Lands Act, 1948, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 and the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958.

It is hereby enacted in the Seventy-first Year of the Republic of India:-

1. (1) This Act may be called the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2020.

**Short title and commencement.**

(2) It shall be deemed to have come into force on the 21<sup>st</sup> August, 2020.

**Bom. LXVII  
of 1948.**

**2.** In the Gujarat Tenancy and Agricultural Lands Act, 1948, (hereinafter referred to as “the Gujarat Tenancy and Agricultural Lands Act”), in section 63AA,-  
(1) in sub-section (4A), for the existing proviso, the following proviso shall be substituted, namely:-

**Amendment  
of section  
63AA of  
Bom. LXVII  
of 1948.**

“Provided that such permission shall be granted by the Collector only upon the payment of -

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided however that,-

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;

- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”;

(2) in sub-section (4B), in clause (vi), for the existing proviso, the following proviso shall be substituted, namely:-

“Provided that,-

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in Common General Development Control Regulations;
- (ii) sub-clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”.

Insertion of new  
section 63AAA  
in Bom. LXVII  
of 1948.

3. In the Gujarat Tenancy and Agricultural Lands Act, after section 63AA, the following section shall be inserted, namely:-



Sale of land for  
the purposes  
other than  
industrial  
purposes.

**“63AAA.** (1) The sale of land for the purposes other than *bonafide* industrial purpose shall be permitted in certain cases which are declared by State Government from time to time :

Provided that-

Bom. V of  
1879.

(a) Nothing in section 63 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Gujarat Land Revenue Code, 1879 in favour of any person or institution for use of such land for other than bonafide industrial purpose like Agricultural University, Animal Husbandry University, Education, Medical Education and Health. The area of land for these purposes may be specified by the State Government by notification in the *Official Gazette* and the State Government may, by notification in the *Official Gazette*, declare such other purposes from time to time.

(b) Where the area of land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Revenue Secretary, Gujarat State or such other officer as the State Government may by an order authorize in this behalf,

Bom. V of  
1879.

(c) Where the land proposed to be sold is owned by a person belonging to the Scheduled Tribe, the sale shall be subject to the provisions of section 73AA of the Gujarat Land Revenue Code, 1879.

(2) Nothing in section 63A shall apply to any sale made in pursuance of sub-section (1).

(3) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as “the purchaser”), he shall within thirty days from the date of the purchase of

the land for purpose shown in sub-section (1), send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.

(b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agriculture assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.

(c) On receipt of the notice of the purchase of land alongwith other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit and if he-

(i) is satisfied that such land has been validly purchased in accordance with the provisions of sub-section (1), shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed;

(ii) is not satisfied, shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of such land to the purchaser shall be deemed to be in contravention of section 63.

(d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause (ii) of clause (c) may file an appeal to the State Government or such other officer as it may, by an order, authorise in this behalf.

(ii) The State Government or the authorized officer shall, after giving the appellant an opportunity of being heard, pass such order on the appeal as it or he deems fit.

- (4) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or directions of the Central Government or the State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for purpose shown in sub-section (1) before the land is put to use for such purpose.
- (b) The area of land which is desired to be sold, shall not be used for any other purpose other than intended to use.
- (c) The purchaser shall start providing of services or use of land within three years from the date of the permission is given for purchase of such land:

Provided that if the purchaser can not start providing services or use of land within three years in the circumstances as may be prescribed, he may make an application to the collector to extend such period and the Collector may, after making such inquiry as he deems fit, by an order extend such period by another two years:

Provided further that the Collector shall not extend such period for more than a period of one year at a time:

Provided also that such aggregate period of five years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.

(d) In case where the purchaser fails to start providing of services or use of land within three years from the date of the permission is given for purchase of land, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of –

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that,-

- (i) such permission for sale of such land shall be granted only for the purpose specified in sub-section (1), however, if such purpose usages not permissible under the Common General Development Control Regulations, in such cases, the permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for the purpose specified in sub-section (1) and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent. of the prevailing *jantri* value.”.

Sau. Ord. XLI  
of 1949.

4. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 (hereinafter referred to as “the Saurashtra Ordinance”), in section 55,-

(1) in sub-section (3A), for the existing proviso, the following proviso shall be substituted, namely:-

“Provided that such permission shall be granted by the Collector only upon the payment of -

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);

Amendment of  
section 55 to  
Sau. Ord. XLI  
of 1949.

- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (2);
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided however that,-

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order

of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;

- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”;

(2) in sub-section (3B), -

(a) in clause (vi), for the existing proviso, the following proviso shall be substituted, namely:-

“Provided that,-

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;

- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”.

Insertion of new  
section 55A to  
Sau. Ord. XLI  
of 1949.

5. In the Saurashtra Ordinance, after section 55, the following section shall be inserted, namely:-

Sale of land  
for the  
purposes  
other than  
industrial  
purposes.

“55A. (1) The sale of land for the purposes other than *bonafide* industrial purpose shall be permitted in certain cases which are declared by State Government from time to time:

Provided that-

- (a) Nothing in section 54 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Gujarat Land Revenue Code, 1879 in favour of any person or institution for use of such land for other than *bonafide* industrial purpose like Agricultural University, Animal Husbandry University, Education, Medical Education and Health. The area of land for these purposes may be specified by the State Government by notification in the *Official Gazette* and the State Government may, by notification in the *Official Gazette*, declare such other purposes from time to time.

Bom. V  
of 1879.



- Bom. V  
of 1879.**
- (b) Where the area of land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Revenue Secretary, Gujarat State or such other officer as the State Government may by an order authorize in this behalf,
  - (c) Where the land proposed to be sold is owned by a person belonging to the Scheduled Tribe, the sale of such land shall be subject to the provisions of section 73AA of the Gujarat Land Revenue Code, 1879.
- (2) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as “the purchaser”), he shall within thirty days from the date of the purchase of the land for purpose shown in sub-section (1) send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.
- (b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agriculture assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.
- (c) On receipt of the notice of the purchase for the land alongwith other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit and if he -
- (i) is satisfied that such land has been validly purchased in accordance with the provisions of sub-section (1) shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed.
  - (ii) is not satisfied, shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of such land to the purchaser shall be deemed to be in contravention of section 54.

- (d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause(ii) of clause (c) may file an appeal to the State Government or such other officer as it may by an order authorise in this behalf.
- (ii) The State Government or the authorized officer shall after giving the appellant an opportunity of being heard pass such order on the appeal as it or he deems fit.
- (3) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or directions of the Central Government or the State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to use of land for purpose shown in sub-section (1) before the land is put to use for such purpose.
- (b) The area of land which is desired to be sold shall not be used for any other purpose other than intended to use.
- (c) The purchaser shall start providing of services or use of land within three years from the date of the permission is given for purchase of such land:

Provided that if the purchaser can not start providing services or use of land within three years in the circumstances as may be prescribed, he may make an application to the Collector to extend such period and the Collector may, after making such inquiry as he deems fit, by an order extend such period by another two years:

Provided further that the Collector shall not extend such period for more than a period of one year at a time:

Provided also that such aggregate period of five years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.

(d) In case where the purchaser fails to start providing of services or use of land within three years from the date of the permission is given for purchase of land, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of –

- (i) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (2) of this section;
- (ii) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (2) of this section;
- (iii) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (2) of this section;
- (iv) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that,-

- (a) such permission for sale of such land shall be granted only for the purpose specified in sub-section (1), however, if such purpose usages not permissible under the Common General Development Control Regulations, in such cases, the permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (b) clauses (a) to (d) shall not apply in the cases of the land which is purchased for the purpose specified in sub-section (1) and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value.”.

Amendment of  
section 89A to  
Bom. XCIX of  
1958.

6. In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 (hereinafter referred to as “the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act”), in section 89A, -

Bom. XCIX  
of 1958.

(1) in sub-section (4A), for the existing proviso, the following proviso shall be substituted, namely:-

“Provided that such permission shall be granted by the Collector only upon the payment of -

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);

- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of certificate as referred to in sub-clause (i) of clause (c) of sub-section (3);
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided however that,-

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;
- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;

(iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;

(iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”;

(2) in sub-section (4B), -

(a) in clause (vi), for the existing proviso, the following proviso shall be substituted, namely:-

Provided that,-

- (i) such permission for sale of such land shall be granted only for the *bonafide* industrial purpose and in case the industrial purpose usage is not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;

- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and *vice versa* or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for *bonafide* industrial purpose and which needs to be transferred in the case of acquisition of assets of industrial unit under order of Debt Recovery Tribunal/National Company Law Tribunal/ Liquidator /Financial Institutions auction, subject to the condition that such transfer is ordered by such Court/Authority but in such cases the purchaser shall apply for permission within 60 days from the date of transfer of assets by authority and such permission shall be granted after charging of 10 per cent of the prevailing *jantri* value;
- (iv) if any *bonafide* industrial user fails to take such permission within a period as specified in clause (iii) above, the Collector shall grant permission by charging of 20 per cent of the prevailing *jantri* value.”.

7. In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act after section 89A, the following section shall be inserted, namely:-

Insertion of new section 89AA to Bom. XCIX of 1958.

Sale of land for the purposes other than industrial purposes.

“89AA. (1) The sale of land for the purposes other than *bonafide* industrial purpose shall be permitted in certain cases which are declared by State Government from time to time:

Provided that-

- (a) Nothing in section 89 shall prohibit the sale or the agreement for the sale of land for which no permission is required under sub-section (1) of section 65B of the Gujarat Land Revenue Code, 1879 in favour of any person or institution for use of such land for other than bonafide industrial purpose like Agricultural University, Animal Husbandry University, Education, Medical Education and Health. The area of land for these purposes may be specified by the State Government by notification in the *Official Gazette* and the State Government may, by notification in the *Official Gazette*, declare such other purposes from time to time. **Bom. V of 1879.**
- (b) Where the area of land proposed to be sold exceeds ten hectares, the person to whom the land is proposed to be sold in pursuance of this sub-section shall obtain previous permission of the Revenue Secretary, Gujarat State or such other officer as the State Government may by an order authorize in this behalf,
- (c) Where the land proposed to be sold is owned by a person to belonging to the Scheduled Tribe, the sale shall be subject to the provisions of section 73AA of the Gujarat Land Revenue Code, 1879. **Bom. V of 1879.**
- (2) Nothing in section 90 shall apply to any sale made in pursuance of sub-section (1).
- (3) (a) Where the land is sold to a person in pursuance of sub-section (1) (hereinafter referred to as “the purchaser”), he shall within thirty days from the date of the purchase of the land for purpose shown in sub-section (1) send a notice of such purchase in such form alongwith such other particulars as may be prescribed, to the Collector and endorse a copy thereof to the Mamlatdar.



(b) Where the purchaser fails to send the notice and other particulars to the Collector under clause (a) within the period specified therein, he shall be liable to pay in addition to the non-agriculture assessment leviable under this Act, after one month from the date of such purchase, such fine of one per cent. of the prevailing *jantri* every month, as the Collector may, subject to rules made under this Act, direct.

(c) On receipt of the notice of the purchase of land alongwith other particulars sent by the purchaser under clause (a), the Collector, after making such inquiry as he deems fit and if he-

(i) is satisfied that the land has been validly purchased in accordance with the provisions of sub-section (1), he shall issue a certificate to that effect to the purchaser in such form and within such time as may be prescribed.

(ii) is not satisfied, shall, after giving the purchaser an opportunity of being heard, refuse to issue such certificate and on such refusal, the sale of such land to the purchaser shall be deemed to be in contravention of section 89.

(d) (i) The purchaser aggrieved by the refusal to issue a certificate by the Collector under sub-clause (ii) of clause (c) may file an appeal to the State Government or such other officer as it may by an order authorise in this behalf.

(ii) The State Government or the authorized officer shall after giving the appellant an opportunity of being heard pass such order on the appeal as it or he deems fit.

(4) (a) The purchaser shall comply with the provisions of any law for the time being in force or any order or directions of the Central Government or the State Government or any Corporation owned or controlled by such Government, Government Company, local

authority or statutory authority in relation to use of land for purpose shown in sub-section (1) before the land is put to use for such purpose.

(b) The area of land which is desired to be sold shall not used for any other purpose other than intended to use.

(c) The purchaser shall start providing of services or use of land within three years from the date of the permission is given for purchase of land:

Provided that if the purchaser can not start providing services or use of land within three years in the circumstances as may be prescribed, he may make an application to the collector to extend such period and the Collector may, after making such inquiry as he deems fit, by an order extend such period by another two years:

Provided further that the Collector shall not extend such period for more than a period of one year at a time.

Provided also that such aggregate period of five years may, on an application made by the purchaser in that behalf and on payment of 20 per cent. of the prevailing *jantri* value, be extended by another three years by the State Government and thereafter, be extended by the State Government for time to time for further periods on payment of 20 per cent. of the prevailing *jantri* for every three years.

(d) In case where the purchaser fails to start providing of services or use of land within three years from the date of the permission is given for purchase of land, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of –

- (a) 100 per cent. of the prevailing *jantri* value, if the application is made after a period of three years but before completion of a period of five years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (b) 60 per cent. of the prevailing *jantri* value, if the application is made after a period of five years but before completion of a period of seven years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (c) 30 per cent. of the prevailing *jantri* value, if the application is made after a period of seven years but before completion of a period of ten years from the date of the permission is given for purchase of land as referred to in clause (c) of sub-section (3) of this section;
- (d) 25 per cent. of the prevailing *jantri* value if the application is made beyond ten years:

Provided that,-

- (i) such permission for sale of such land shall be granted only for the purpose specified in sub-section (1), however, if such purpose usages not permissible under the Common General Development Control Regulations, such permission shall be granted only for the purpose of use of such land as per the zone declared in the Common General Development Control Regulations;

- (ii) clauses (a) to (d) shall not apply in the cases of the land which is purchased for the purpose specified in sub-section (1) and which needs to be transferred in the case of merger, amalgamation, joint venture, subsidiary company, group company and associate company, conversion of partnership in the company and vice versa or into limited liability partnership, change in partners but in such cases permission shall be granted after charging of 10 per cent. of the prevailing *jantri* value.”.

Repeal and  
saving.

8. (1) The Gujarat Tenancy and Agricultural Lands Laws (Amendment) Ordinance, 2020, is hereby repealed.

Guj. Ord.  
9 of 2020.

(2) Notwithstanding such repeal, anything done or any action taken under the Gujarat Tenancy and Agricultural Lands Act, 1948, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 and the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 as amended by the said Ordinance, shall be deemed to have been done or taken under the said tenancy Acts as amended by the said Act.

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

## PART - IV

**Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 9<sup>th</sup> October, 2020 is hereby published for general information.

**K. M. LALA,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 14 OF 2020.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 12<sup>th</sup> October, 2020).

### AN ACT

to repeal the Gujarat Molasses (Control) Act, 1956 in its application to the  
State of Gujarat.

It is hereby enacted in the Seventy-first Year of the Republic of  
India as follows :-

1. This Act may be called the Gujarat Molasses (Control) (Repeal) **Short title.**  
Act, 2020.

**Bom.** 2. The Gujarat Molasses (Control) Act, 1956 in its application to the **Repeal.**  
**XXXVIII of** State of Gujarat is hereby repealed.  
**1956.**

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GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



सत्यमेव जयते

# The Gujarat Government Gazette

## EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

### PART - IV

#### Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 9<sup>th</sup> October, 2020 is hereby published for general information.

**K. M. LALA,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

#### GUJARAT ACT NO. 15 OF 2020.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 12<sup>th</sup> October, 2020).

#### AN ACT

further to amend the Gujarat Agricultural Universities Act. 2004 and the  
Kamdhenu University Act, 2009.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Universities Laws (Amendment) Act, 2020.

**Short title and  
Commencement.**

(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment  
of section 2  
of Guj. 5 of  
2004.**

**2.** In the Gujarat Agricultural Universities Act, 2004, (hereinafter referred to as “the Gujarat Agricultural Universities Act”), in section 2, in clause (2), the words “animal husbandry including veterinary and dairy science, fisheries,” shall be deleted.

**Guj. 5 of  
2004.**

**Insertion of  
new sections  
67 to 69 in  
Guj. 5 of  
2004.**

**3.** In the Gujarat Agricultural Universities Act, after section 66, the following sections shall be added, namely:-

**Colleges and  
Polytechnics  
of the State  
Agricultural  
Universities.**

**“67.** Notwithstanding anything contained in clause (c) of sub-section (1) of section 66, the constituent college as specified in column (2) of Schedule II shall become the constituent college of the University mentioned against it in column (3) of the said Schedule.

**Transfer of  
colleges,  
Polytechnics  
and  
Research  
and  
Extension  
centres to the  
Kamdhenu  
University.**

**68.** On and from the commencement of the Gujarat Universities Laws (Amendment) Act, 2020, the Colleges and Polytechnics as specified in Schedule III and Research and Extension centres relating to Animal Husbandry, Fisheries and Dairy Science administered by the State Agricultural Universities on the commencement of the Gujarat Universities Laws (Amendment) Act, 2020, shall stand transferred to the Kamdhenu University.

**Guj. 15 of  
2020.**

**Guj. 15 of  
2020.**

**Validation  
of certain  
notifications,  
orders, etc.**

**69.** Any notification or order issued under this Act and the rules made thereunder, immediately before the commencement of the Gujarat Universities Laws (Amendment) Act, 2020 shall be deemed to be validly issued and made under the relevant corresponding provisions of this Act as amended by the said amending Act.”.

**Guj. 15 of  
2020.**

4. In the Gujarat Agricultural Universities Act, for Schedule II, the following Schedules shall be substituted, namely:-

**Substitution  
of Schedule  
II to Guj. 5  
of 2004.**

**“SCHEDULE II**

*(See section 67)*

Sr. No.	College	University
(1)	(2)	(3)
1	Bansilal Amrutlal College of Agriculture, Anand.	The Anand Agricultural University
2	College of Veterinary Science and Animal Husbandry, Anand.	The Anand Agricultural University
3	Sheth Mansukhlal Chhaganlal College of Dairy Science, Anand.	The Anand Agricultural University
4	College of Agricultural Engineering & Technology, Godhra.	The Anand Agricultural University
5	College of Food Processing Technology & Bio-Energy, Anand.	The Anand Agricultural University
6	College of Agricultural Information Technology, Anand.	The Anand Agricultural University
7	College of Agriculture, Vaso.	The Anand Agricultural University
8	College of Agriculture, Jabugam.	The Anand Agricultural University
9	College of Horticulture, Anand.	The Anand Agricultural University
10	International Agribusiness Management Institute, Anand.	The Anand Agricultural University
11	Sheth M.C. Polytechnic in Agriculture, Anand.	The Anand Agricultural University
12	Polytechnic in Agriculture, Vaso.	The Anand Agricultural University
13	Sheth D.M. Polytechnic in Horticulture, Vadodara.	The Anand Agricultural University
14	Polytechnic in Agricultural Engineering, Dahod.	The Anand Agricultural University
15	Polytechnic in Food Science and Home Economics, Anand.	The Anand Agricultural University



Sr. No.	College	University
(1)	(2)	(3)
16	College of Agriculture, Junagadh.	The Junagadh Agricultural University
17	College of Agricultural Engineering & Technology, Junagadh.	The Junagadh Agricultural University
18	College of Fisheries Science, Veraval.	The Junagadh Agricultural University
19	College of Veterinary Science & A.H., Junagadh.	The Junagadh Agricultural University
20	College of Agriculture, Motabhandariya, Amreli.	The Junagadh Agricultural University
21	College of Agriculture, Khapat, Porbandar.	The Junagadh Agricultural University
22	College of Horticulture, Junagadh.	The Junagadh Agricultural University
23	Post Graduate Institute of Agri-Business Management, Junagadh.	The Junagadh Agricultural University
24	Polytechnic in Agriculture, Dhari, Amreli.	The Junagadh Agricultural University
25	Polytechnic in Horticulture, Junagadh.	The Junagadh Agricultural University
26	Polytechnic in Agricultural Engineering, Targhadiya, Rajkot.	The Junagadh Agricultural University
27	Polytechnic in Agro Processing, Junagadh.	Junagadh Agricultural University
28	Polytechnic in Agriculture, Sidsar (At Present-Junagadh).	The Junagadh Agricultural University
29	Polytechnic in Animal Husbandry, Junagadh.	The Junagadh Agricultural University
30	Polytechnic in Agriculture, Halvad.	The Junagadh Agricultural University
31	Shri Navinchandra Mafatlal College of Agriculture, Navsari.	The Navsari Agricultural University
32	ASPEE College of Horticulture and Forestry, Navsari.	The Navsari Agricultural University
33	College of Veterinary Science & A.H., Navsari.	The Navsari Agricultural University
34	College of Agriculture, Bharuch.	The Navsari Agricultural University

Sr. No.	College	University
(1)	(2)	(3)
35	College of Agriculture, Waghai.	The Navsari Agricultural University
36	College of Forestry, Navsari.	The Navsari Agricultural University
37	College of Fisheries Science, Navsari.	The Navsari Agricultural University
38	College of Agricultural Engineering and Technology, Dediapada.	The Navsari Agricultural University
39	ASPEE Shakilam Agri- Biotechnology Institute, Surat.	The Navsari Agricultural University
40	ASPEE Agribusiness Management Institute, Navsari.	The Navsari Agricultural University
41	Polytechnic in Agriculture, Maktampur, Dist. Bharuch.	The Navsari Agricultural University
42	Polytechnic in Agriculture, Vyara, Dist. Tapi.	The Navsari Agricultural University
43	Polytechnic in Agriculture, Waghai, Dist. Dang.	The Navsari Agricultural University
44	Polytechnic in Horticulture, Navsari.	The Navsari Agricultural University
45	Polytechnic in Horticulture, Paria, Dist. Valsad.	The Navsari Agricultural University
46	Polytechnic in Agricultural Engineering, Dediapada, Dist. Narmada.	The Navsari Agricultural University
47	Polytechnic in Animal Husbandry, Navsari.	The Navsari Agricultural University
48	Chimanbhai Patel College of Agriculture, Sardarkrushinagar.	The Sardarkrushinagar Dantiwada Agricultural University
49	College of Veterinary Science and Animal Husbandry, Sardarkrushinagar.	The Sardarkrushinagar Dantiwada Agricultural University
50	ASPEE College of Home Science and Nutrition, Sardarkrushinagar.	The Sardarkrushinagar Dantiwada Agricultural University
51	Shri G.N.Patel Dairy Science and Food Technology College, Sardarkrushinagar.	The Sardarkrushinagar Dantiwada Agricultural University

Sr. No.	College	University
(1)	(2)	(3)
52	College of Food Technology, Sardarkrushinagar.	The Sardarkrushinagar Dantiwada Agricultural University
53	College of Renewable Energy and Environmental Engineering, Sardarkrushinagar.	The Sardarkrushinagar Dantiwada Agricultural University
54	College of Agriculture, Tharad.	The Sardarkrushinagar Dantiwada Agricultural University
55	College of Horticulture, Jagudan.	The Sardarkrushinagar Dantiwada Agricultural University
56	College of Basic Science and Humanities, Sardarkrushinagar.	The Sardarkrushinagar Dantiwada Agricultural University
57	College of Agribusiness Management, Sardarkrushinagar.	The Sardarkrushinagar Dantiwada Agricultural University
58	Polytechnic in Agriculture, Deesa, Dist. Banaskantha.	The Sardarkrushinagar Dantiwada Agricultural University
59	Polytechnic in Agriculture, Khedbrahma, Dist. Sabarkantha.	The Sardarkrushinagar Dantiwada Agricultural University
60	Polytechnic in Agriculture, Amirgadh, Dist. Banaskantha.	The Sardarkrushinagar Dantiwada Agricultural University
61	Sheth. B.R. Polytechnic in Horticulture, Jagudan, Dist. Mehsana.	The Sardarkrushinagar Dantiwada Agricultural University
62	Polytechnic in Animal Husbandry, Sardarkrushinagar.	The Sardarkrushinagar Dantiwada Agricultural University

**SCHEDULE III****COLLEGES TRANSFERED TO KAMDHENU UNIVERSITY***(See section 67)*

<b>Sr. No.</b>	<b>College</b>	<b>University</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>
1	Sheth Mansukhlal Chhaganlal College of Dairy Science, Anand.	The Anand Agricultural University
2	College of Veterinary Science and Animal Husbandry, Anand.	The Anand Agricultural University
3	College of Veterinary Science and Animal Husbandry, Junagadh.	The Junagadh Agricultural University
4	College of Fisheries Science, Veraval.	The Junagadh Agricultural University
5	College of Veterinary Science and Animal Husbandry, Navsari.	The Navsari Agricultural University
6	College of Fisheries Science, Navsari.	The Navsari Agricultural University
7	Shri G.N. Patel Dairy Science and Food Technology College, Sardarkrushinagar.	The Sardarkrushinagar Dantiwada Agricultural University
8	College of Veterinary Science and Animal Husbandry Sardarkrushinagar.	The Sardarkrushinagar Dantiwada Agricultural University
9	Polytechnic in Animal Husbandry, Junagadh.	The Junagadh Agricultural University
10	Polytechnic in Animal Husbandry, Navsari.	The Navsari Agricultural University
11	Polytechnic in Animal Husbandry, Sardarkrushinagar.	The Sardarkrushinagar Dantiwada Agricultural University

**Amendment  
of section 2  
of Guj. 9 of  
2009.**

**5.** In the Kamdhenu University Act, 2009 (hereinafter referred to as “the Kamdhenu University Act”), in section 2, -

**Guj. 9 of  
2009.**

- (i) for clause (7), the following clause shall be substituted, namely:-  
“(7) “college” means a College or an Institution established or maintained by or affiliated to the University providing courses of study or training or providing for conduct of research or providing for extension education in veterinary and animal sciences from any dairy science, fisheries and allied sciences, leading to a degree, diploma or other academic distinction of the University including a College or an institution established or maintained by or affiliated to or recognised by the Agricultural Universities existing on the date of the coming into force of this Act;”;
- (ii) in clause (9), the words “Deans of Colleges and” shall be deleted;
- (iii) in clause (20), for the words “other than”, the words “including” shall be substituted.

**Substitution  
of section 4  
of Guj. 9 of  
2009.**

**6.** In the Kamdhenu University Act, for section 4, the following section shall be substituted, namely:-

**Headquarters  
of University.**

**“4.** The headquarters of the University shall be at Gandhinagar as notified by notification No. GHK-72-2014-KPY-2012-VIP- 392008-P-1 dated 26 August, 2014 by the State Government.”.

**Amendment  
of section 5  
of Guj. 9 of  
2009.**

**7.** In the Kamdhenu University Act, in section 5, sub-section (6) shall be deleted.

**Amendment  
of section 10  
of Guj. 9 of  
2009.**

**8.** In the Kamdhenu University Act, in section 10, after clause (vi), the following clauses shall be added, namely:-

“(vii) University Librarian,  
(viii) such other officer as may be prescribed by the Statutes.”.

9. In the Kamdhenu University Act, in section 21,-

**Amendment  
of section 21  
of Guj. 9 of  
2009.**

- (i) in sub-section (2), under the heading “Class I- *Ex-Officio* Members”, after clause (ix), the following clauses shall be added, namely:-

“(x) One member nominated by the Vice-Chancellor on rotation basis in prescribed manner from amongst the Deans of faculties;

(xi) One director to be nominated by the Vice-Chancellor from amongst the Director of Research and Dean PG Studies or the Director of Extension Education.”;

- (ii) for sub-section (4), the following sub-section shall be substituted, namely:-

“(4) The nominated members of the Board shall be entitled to receive sitting charge from the University including such daily and traveling allowances as may be prescribed.”.

10. In the Kamdhenu University Act, in section 23, in sub-section (1), -

**Amendment  
of section 23  
of Guj. 9 of  
2009.**

- (i) in clause (iii), the words “of Academic Committee” shall be deleted;
- (ii) clause (v) shall be deleted.

11. In the Kamdhenu University Act, in section 25, in sub-section (1), clause (vi) shall be deleted.

**Amendment  
of section 25  
of Guj. 9 of  
2009.**

12. In the Kamdhenu University Act, in section 27, in sub-section (1), clause (vi) shall be deleted.

**Amendment  
of section 27  
of Guj. 9 of  
2009.**

13. In the Kamdhenu University Act, in section 36, -

**Amendment  
of section 36  
of Guj. 9 of  
2009.**

- (i) in sub-section (4), for the word “Chancellor”, the words “State Government” shall be substituted;
- (ii) in sub-section (5), for the word “Chancellor”, the words “State Government” shall be substituted.

**Amendment  
of section 39  
of Guj. 9 of  
2009.**

- 14.** In the Kamdhenu University Act, in section 39,
- (i) for the words “Foundation Fund”, wherever they occur, the words “Foundation Fund, Development Fund and General Fund” shall be substituted;
  - (ii) in the marginal note, for the words “Foundation Fund of University”, the words “Foundation Fund, Development Fund and General Fund of University” shall be substituted

**Insertion of  
new sections  
67 to 69 and  
Schedule I to  
the Guj. 9 of  
2009.**

- 15.** In the Kamdhenu University Act, after section 66, the following sections and Schedules shall be added, namely:-

**Transfer of  
certain  
colleges and  
institutions to  
the University.**

**“67.** (1) Notwithstanding anything contained in any other Act relating to the establishment of a University in the State or in the Statutes, Regulations, rules and Orders made there under, the colleges, research stations, centers and other units relating to Animal Husbandry, Fisheries and Dairy Science, constituent or affiliated to State Agricultural Universities specified in Schedule-I appended to this Act shall, from such date as the State Government may, by notification in the *Official Gazette*, specify, (hereinafter in this section referred to as "the specified date"), be de-affiliated from the State Agricultural Universities to which they may have been affiliated on the day immediately preceding such date and shall be transferred to and be maintained by the University as its constituent colleges, research stations, centers or units, etc.

(2) The control and management of the colleges, research stations, centers or other units specified in sub-section (1) shall as from the specified date stand transferred to the University and all properties and assets and liabilities of the State Government in relation thereto shall stand transferred to and vest in, or devolve upon, the University:

Provided that the educational staff and students of the State Agricultural Universities shall be allowed to use the research centres for necessary experimental work as per the norms of ICAR for Animal Husbandry, Fisheries and dairy related subjects which have been included in their educational curriculum:

**Guj. 15 of 2020.**

Provided further that after coming into force of the Gujarat Universities Laws (Amendment) Act, 2020, the common facilities such as hostels, sports ground, transportation, guest house administered by the State Agricultural Universities on the commencement of the Gujarat Universities Laws (Amendment) Act, 2020, shall be allowed to be used by the staff and students of the University as also by the official visitor, till such facilities are made available by the University to its staff and students.

**Guj. 15 of 2020.**

(3) Where before the specified date, the State Agricultural Universities / the State Government have made any contract in relation to any of the said colleges, research stations, centers or other units, such contract shall be deemed to have been made by the University, and any reference therein to the State Agricultural Universities / the State Government shall be construed as a reference to the University.

**Guj. 15 of 2020.**

(4) The unexpended balance in the general fund and the foundation fund, corpus fund whether deposited in a bank or invested in securities belonging to the State Agricultural Universities immediately before the commencement of the Gujarat Universities Laws (Amendment) Act, 2020, shall subject to all charges and liabilities affecting the same, vest in the University in such proportion and in such manner as the State Government may direct.

(5) Research and educational institutions under the control and management of the Departments of the State Government shall, as from such date as the State Government may by order specify, be transferred to the University, and there upon all properties and assets, and liabilities of the State Government in relation to such institutions shall transferred to vest in or devolve upon, the University.



(6) Notwithstanding anything contained in any other Act, the institutions related to veterinary, animal husbandry, dairy and fisheries, which were under the control and management of the State Agricultural Universities / the State Government immediately before the date specified under sub-section (1), or as the case may be, in sub-section (5), shall not, save with the previous sanction of the State Government, be discontinued by the University nor shall the educational, research or extension education activities conducted in or by the said college or institutions immediately before the said date be stopped or reduced in scope or extent or transferred without the prior permission of the Board of the University.

(7) Notwithstanding anything contained in any other Act relating to the establishment of any University in the State, no such University shall as from the specified date be competent to award any degrees, diplomas certificates or other academic distinctions in veterinary and animal husbandry, dairy, poultry, fishery, thereof by whatever name called.

University to  
absorb staff of  
existing  
colleges,  
institutions  
and State  
Agricultural  
Universities  
transferred to  
it.

**68.** (1) Notwithstanding anything contained in section 67, on and from the commencement of the Gujarat Universities Laws (Amendment) Act, 2020, the existing officers, teachers, administrative staff and other technical staff, having qualification in Veterinary and Animal Science, Dairy, Fisheries and allied sciences, serving in the State Agricultural Universities or colleges or institutions or research units shall get transferred to the University. Other non-technical staff connected therewith, as the State Government may, from time to time, having regard to the necessity therefore, direct shall be taken over and employed by the University, and every person taken over and employed shall be subject to the provisions of this Act and the Statutes and Regulations made there under:

**Guj. 15 of  
2020.**

Provided that during the period of such employment all matters relating to the pay, leave, retirement, allowances, pension, provident fund and other conditions of services of the members of such staff shall be regulated by Gujarat Civil Service Rules, 2002 or such other rules as may, from time to time, be made by the State Government:

Provided further that any such member shall have a right of appeal to the State Government against any order of reduction in rank, dismissal or removal from service or any other punishment and the decision of the State Government in such appeal shall be final and shall not be called in question in any civil court:

(2) Subject to the provisions of sub-sections (3) and (4), all the officers and employees taken over and employed by the University under sub-section (1) shall be entitled for counting of their past services, and the period of their service under the State Agricultural Universities or Gujarat Agricultural University or the State Government shall be counted for their increments, pension and other matters relating to their service.

(3) Notwithstanding anything contained in sub-section (1), every officer or employee of the State Agricultural Universities taken over by the University shall, within period of two months, from the date he is so taken over ( or such further time, if any, as the State Government may decide), give notice in writing to the State Agricultural Universities,-

(a) That he should be permitted to retire and thereupon he shall be permitted to retire from the service of State Agricultural Universities and shall be entitled to such terminal benefits such as compensation, pension or gratuity, or the like, as may be prescribed by the State Agricultural Universities;

(b) That he should be permanently absorbed in the service of the University and there upon the University shall absorb him permanently in its service and any service rendered by him under the State Agricultural Universities or Gujarat Agricultural University or the State Government shall be deemed to be service under the University, and he shall be entitled to receive from the University, such terms and conditions of service in respect of remuneration, leave and pension, and such rights as in respects of disciplinary matters or rights as similar thereto as changed circumstances may permit as are not less favorable than those to which he was entitled to immediately before he was taken over by the University.

(4) If any officer or employee of the State Agricultural Universities fails to give notice under sub-section (3) within the time referred to therein, he shall be deemed to have opted to be permanently absorbed in the service of the University under clause (b) of sub-section (3).

**Special  
provisions  
for students.**

**Guj. 15 of  
2020.**

**69.** Notwithstanding anything contained in this Act or the statutes or the regulations made there under, any student of a college situated within the University jurisdiction who, immediately before the commencement of the Gujarat Universities Laws (Amendment) Act, 2020, was studying or was eligible for any examination of the State Agricultural Universities, shall be permitted to complete his course in preparation thereof, and the University shall provide for such period and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with course of studies of the State Agricultural Universities and for the conferment of the corresponding degree, diploma or other academic distinction of the University upon the qualified student of the result of such examination.

### **SCHEDULE-I**

(See Section 67)

#### **PART -I**

<b>Sr.No.</b>	<b>Colleges</b>	<b>University</b>
1.	Sheth Manshukhlal Chaganlal College of Dairy Science, Anand	Anand Agricultural University
2.	College of Veterinary Science and Animal Husbandry, Anand	Anand Agricultural University
3.	College of Veterinary Science and Animal Husbandry, Junagadh	Junagadh Agricultural University
4.	College of Fisheries Science, Veraval	Junagadh Agricultural University
5.	College of Veterinary Science and Animal Husbandry Navsari	Navsari Agricultural University
6.	College of Fisheries Science, Navsari	Navsari Agricultural University
7.	Shri G. N. Patel Dairy Science and Food Technology College, S.K. Nagar	Sardarkrushinagar, Dantiwada Agricultural University
8.	College of Veterinary Science and Animal Husbandry, Sardarkrushinagar	Sardarkrushinagar, Dantiwada Agricultural University
9.	College of Dairy Science, Amreli	Kamdhenu University
10.	Post-Graduate Institute of Veterinary education and Research, Rajpur (Nava), Himmatnagar	Kamdhenu University

Sr.No.	Colleges	University
11.	Post Graduate Institute of Fisheries education and Research, Rajpur (Nava), Himmatnagar	Kamdhenu University
12.	Post-Graduate Institute of Dairy education and Research, Shedubhar Ta.Dist.Amreli	Kamdhenu University

**PART-II****RESEARCH STATIONS**

Sr.No.	Colleges	University
1.	Livestock Research station, Anand.	Anand Agricultural University
2.	Livestock Research station, Sardarkrushinagar	Sardarkrushinagar, Dantiwada Agricultural University
3.	Livestock Research station, Navsari.	Navsari Agricultural University
4.	Cattle Breeding Farm, Junagadh with Johnpur Farm.	Junagadh Agricultural University
5.	All instructional and animal fodder farms attached to Veterinary Colleges.	State Agricultural Universities
6.	Reproductive Biology Reserach Unit (RBRU), Anand.	Anand Agricultural University
7.	Holstein Friesian Farm, Anand	Anand Agricultural University
8.	Animal Nutrition Research Station, Anand.	Anand Agricultural University
9.	Poultry Complex with Poultry Training Centre, Anand	Anand Agricultural University
10.	Fisheries Research Station, Okha.	Junagadh Agricultural University
11.	Fisheries Research Station, Sikka.	Junagadh Agricultural University
12.	Fisheries Research Station, Mundra.	Sardarkrushinagar, Dantiwada Agricultural University
13.	Bull Mother Farm, Amreli	Junagadh Agricultural University
14.	Fisheries Research & Training Center, Mahuva (Dist.:Bhavnagar)	Junagadh Agricultural University

Sr.No.	Colleges	University
15.	Inland Fisheries Research Station, Junagadh	Junagadh Agricultural University
16.	Dairy Vigyan Kendra, Vejalpur	Anand Agricultural University
17.	ORF Lab. Facility (Animal Biotechnology Unit), Anand.	Anand Agricultural University
18.	Kapila Gau Shanshodhan Kendra, Minawada	Anand Agricultural University
19.	Pashu Sanshodhan Kendra, Ramnamuvada	Anand Agricultural University
20.	Pashu Vigyan Kendra, Limkheda	Anand Agricultural University
21.	Polyclinic at Waghai, (Dangs)	Navsari Agricultural University
22.	Fisheries ITI, Jafrabad (Dist: Amreli)	Junagadh Agricultural University
23.	Fisheries ITI, Okha, (Dist: Devbhumi Dwarka)	Junagadh Agricultural University
24.	Center of Excellence in Aquaculture, Ukai	Kamdhenu University

**PART-III****LIVESTOCK INSPECTOR TRAINING CENTERS (POLYTECHNIC IN ANIMAL HUSBANDRY) :**

Sr.No.	Polytechnic	University
1.	Polytechnic in Animal Husbandry, Junagadh	Junagadh Agricultural University
2.	Polytechnic in Animal Husbandry, Navsari	Navsari Agricultural University
3.	Polytechnic in Animal Husbandry, Sardarkrushinagar.	Sardarkrushinagar, Dantiwada Agricultural University
4.	Polytechnic in Animal Husbandry, Rajpur (Nava), Himmatnagar	Kamdhenu University

**PART-IV****DAIRY, CLINICAL COMPLEX**

<b>Sr.No.</b>	<b>Particular</b>	<b>University</b>
1.	Vidya Dairy, Anand	Anand Agricultural University
2.	Clinical Complex, Deesa	Sardarkrushinagar, Dantiwada Agricultural University

**PART-V**

Research schemes, Projects of Government of Gujarat or ICAR or other agencies, Training Centers, Clinical Complex, Mobile Clinics with State Agricultural Universities, prior to the commencement of the Gujarat Universities Laws (Amendment) Act, 2020 with all movable and immovable assets belonging to the veterinary, animal husbandry, dairy, fisheries and allied sciences including the land, farms, machineries, equipments, vehicles and official and residential buildings.”.

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

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## PART - IV

**Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 9<sup>th</sup> October, 2020 is hereby published for general information.

**K. M. LALA,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### GUJARAT ACT NO. 16 OF 2020.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 12<sup>th</sup> October, 2020).

### AN ACT

to provide for development of the area and management of Pilgrimage Tourism in and around the Maa Ambaji Temple at Ambaji in the State of Gujarat by providing necessary civic infrastructure through effective planning, administration, governance, and the matters connected therewith and incidental thereto.

It is hereby enacted in the Seventy-first Year of the Republic of India as follows:-

## CHAPTER I

## PRELIMINARY

1. (1) This Act may be called the Ambaji Area Development and Pilgrimage Tourism Governance Act, 2020.

Short title,  
extent and  
commencement.

(2) It shall extend to the Pilgrimage Tourism development area as declared under section 3.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

## Definitions.

2. (1) In this Act, unless the context otherwise requires-

(a) "Ambaji Area Development and Pilgrimage Tourism Governance Authority" means the authority constituted under section 4 or any Government agency or Government company designated as such under sub-section (4) of section 4;

(b) "amenities" means basic and essential services including but not limited to roads, bridges, bypasses and underpasses, drainage, water supply, power supply and electrical installations, collection-treatment-discharge and disposal of institutional and township waste, buildings for accommodation, sanitary facilities, health facilities, education facilities, entertainment facilities, means of transport, disaster management, parks, green areas, gas pipeline, hospitality, recreation, industry, development of townships and institutional areas, measures required for safety or convenience of the devotees and such other facilities or services as the Ambaji Area Development and Pilgrimage Tourism Governance (AADPTG) Authority may specify;

(c) "building operations" shall have the same meaning as is assigned to it under clause (vi) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976;

President's  
Act No. 27  
of 1976.

(d) "developer" means a person or entity with whom a Concession Agreement is entered into or a project has been awarded and for which such other agreement is entered into for furtherance of the objectives of this Act;

(e) "development" shall have the same meaning as is assigned to it under clause (viii) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976.

President's  
Act No. 27  
of 1976.

(f) "development plan" means a plan for the development or re-development or improvement of a Pilgrimage Tourism development area;

(g) "engineering operations" shall have the same meaning as is assigned to it under clause (xi) of section 2 of the Gujarat Town Planning and Urban Development Act 1976;

President's  
Act No. 27  
of 1976.



- (h) "Government agency" means a Corporation or a Government company or a body owned or controlled by the State Government or an authority established by or under any State law and includes a local authority;
- President's Act No. 27 of 1976. (i) "land" shall have the same meaning as is assigned to it under clause (xiii) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976;
- Guj. 34 of 1964. (j) "local authority" means a municipality constituted or deemed to be constituted under the Gujarat Municipalities Act, 1963, a committee appointed for a notified area under the Gujarat Municipalities Act, 1963 or a panchayat constituted under the Gujarat Panchayats Act, 1993;
- Guj. 18 of 1993. (k) "Notification" means a notification published in the *Official Gazette*;
- (l) "Nuisance" includes any act of commission or omission or carrying on of any activity, process, operation including the operation of any machine which causes or is likely to cause injury, danger, or which is or may be dangerous to life or injurious to health or property or to any animal or plant;
- (m) "occupier" includes, -
- (i) any person who for the time being is paying or is liable to pay to the owner the rent of the land or building in respect of which such rent is paid or is payable;
  - (ii) an owner living in or otherwise using his land or building;
  - (iii) a rent-free tenant;
  - (iv) a licensee in occupation of any land or building;
  - (v) any person who is liable to pay to the owner damages or compensation for the use and occupation of any land or building;
- President's Act No. 27 of 1976. (n) "operational construction" shall have the same meaning as is assigned to it under clause (xvii) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976.
- (o) "owner", in relation to any property, includes any person who is, for the time being receiving or entitled to receive, whether on his own account or on account of or on behalf of, or for the benefit of, any other person or as an agent, trustee, guardian, manager or receiver for any other person or for any religious or charitable institution, the rents or profits of the property; and also includes a mortgagee in possession thereof but shall not include any such person who on the date of commencement of this Act is in illegal possession of any land which has been acquired by the State Government or by any other authority and has vested in the State Government and shall also not include a person who has encroached upon such land;

- (p) “person” means and includes, an individual, an entity, a company, firm, organization, association of persons, society, establishment, institution including Government agencies carrying on business or economic activity in the Pilgrimage Tourism development area;
- (q) “Pilgrimage Tourism development area” means the area declared under section 3;
- (r) “Pilgrimage Tourism trade” means and includes facilities, service, activities or products relating to Pilgrimage Tourism provided to a pilgrim in a premises by any person or travel agency or Trust regularly or occasionally within Pilgrimage Tourism development area or otherwise;
- (s) “prescribed” means prescribed by rules made under this Act;
- (t) “Prescribed Authority” means an Authority appointed under section 25;
- (u) "regulations" means a regulations made under section 54 and includes zoning and other regulations made as part of a development plan or town planning scheme;
- (v) "rules" means rules made under section 53;
- (w) “Tourism activity” means the activities and services including but not limited to industrial, manufacturing, commercial, financial, processing, packaging, logistics, transport, pilgrimage tourism, hospitality, health, housing, entertainment, research and development, education and training, skill development, information and communication, management and consultancy, corporate offices and the activities and services connected therewith or incidental thereto and other activities including the economic activities as the State Government may specify by notification in the *Official Gazette*;
- (x) “tourist guide” means the tourist guide appointed under section 30.
- (y) "Trust" means the Shri Arasuri Ambaji Mata Devasthan Trust (SAAMDT) ;

President's  
Act No. 27  
of 1976.

- (2) The words and expression used but not defined in this Act shall have meanings respectively assigned to them in the Gujarat Town Planning and Urban Development Act, 1976.

## CHAPTER II

### DECLARATION OF PILGRIMAGE TOURISM DEVELOPMENT AREA

- 3. (1) The State Government, for the purpose of securing planned Pilgrimage Tourism development, administration and governance in and around Maa Ambaji Temple, District Banaskantha in the State of Gujarat, may, by notification in the *Official Gazette*, declare such area to be the Pilgrimage Tourism development area.

**Declaration of  
Pilgrimage  
Tourism  
development  
area.**

(2) Every notification issued under sub-section (1) shall define the limits of the area to which it relates.

(3) The State Government may also, by notification in the *Official Gazette*, extend or reduce the Pilgrimage Tourism development area as and when it deems fit.

### CHAPTER III CONSTITUTION OF AMBAJI PILGRIMAGE TOURISM AUTHORITY

4. (1) As soon as may be after the declaration of a Pilgrimage Tourism development area under section 3, the State Government shall, by notification in the *Official Gazette*, constitute an authority for such area to be called the Ambaji Area Development and Pilgrimage Tourism Governance Authority (hereinafter referred to as “Ambaji Pilgrimage Tourism Authority”) for such Pilgrimage Tourism development area for the purpose of carrying out the functions assigned to it by or under this Act.

**Constitution of  
Ambaji  
Pilgrimage  
Tourism  
Authority.**

(2) The headquarters of the Ambaji Pilgrimage Tourism Authority shall be at Village: Ambaji, District: Banaskantha:

Provided that the State Government may, by notification in the *Official Gazette*, specify any other place to be the headquarters of the Ambaji Pilgrimage Tourism Authority.

(3) (a) The Ambaji Pilgrimage Tourism Authority shall consist of the following members, namely: -

- (i) a Chairman to be appointed by the State Government;
- (ii) the Vice - Chairman – Collector, Banaskantha, *ex-officio*;
- (iii) the Secretary, Gujarat Pavitra Yatradham Vikas Board, *ex-officio*;
- (iv) the Joint Secretary / Deputy Secretary, Tourism Department, *ex-officio*;
- (v) the Superintendent of Police, Banaskantha, *ex-officio*;
- (vi) two officials of the State Government, to be nominated by the State Government, *ex-officio*;
- (vii) the Town Planner, District: Banaskantha, *ex-officio*;
- (viii) the Prant Officer, Ta: Danta, District: Banaskantha, *ex-officio*;
- (ix) two experts who possess experience and knowledge in area development or Pilgrimage Tourism to be nominated by the State Government;
- (x) the President, Danta Taluka Panchayat, District: Banaskantha, *ex-officio*;
- (xi) a Member-Secretary who shall also be designated as the Chief Executive Officer – Administrator and Deputy Collector, Ambaji Trust, *ex-officio*;

(b) The Chairman shall have powers to co-opt the members, not exceeding three, in the Ambaji Pilgrimage Tourism Authority subject to the rules as may be prescribed:

Provided that no such appointment shall be made except without the prior consultation with the State Government.

(c) The terms and conditions of service of the members so co-opted shall be as may be determined by the State Government.

(4) The State Government may, instead of constituting the Ambaji Pilgrimage Tourism Authority, designate any Government agency or Government company as the Ambaji Pilgrimage Tourism Authority and empower it to exercise any or all of the powers to enable it to perform the functions by or under this Act.

**Term of  
office and  
conditions of  
service of  
members.**

5. (1) The term of office, conditions of service and powers and functions of the Chairman, Vice- Chairman, the Chief Executive Officer and members appointed under sub-clause (ix) of clause (a) of sub-section (3) of section 4 of the Ambaji Pilgrimage Tourism Authority shall be such as may be prescribed.

(2) The Chairman, the Vice-Chairman and the members of the Ambaji Pilgrimage Tourism Authority other than *ex-officio* members shall hold office during the pleasure of the State Government.

(3) The conditions of service of the members of the Ambaji Pilgrimage Tourism Authority other than *ex-officio* members shall be such as may be prescribed and such members shall be entitled to receive such remuneration or allowances or both as the State Government may, by an order determine.

(4) (a) If the State Government is of the opinion that any member of Ambaji Pilgrimage Tourism Authority is guilty of misconduct in the discharge of his duties or is incompetent or has become incapable of performing his duties as such member, or should for any other good and sufficient reasons, be removed, the State Government may, after giving him an opportunity to be heard, remove him from office.

(b) Any member of the Ambaji Pilgrimage Tourism Authority other than an *ex-officio* member may at any time resign his office by writing under his hand addressed to the State Government and upon the acceptance thereof, the office of such member shall become vacant.

6. (1) The Ambaji Pilgrimage Tourism Authority shall meet at such time and at such place as the Chairman may determine:

Provided that the procedure with regard to transaction of business at its meetings including quorum at such meeting shall be such as may be laid down by the Ambaji Pilgrimage Tourism Authority in consultation with the State Government.

(2) The Ambaji Pilgrimage Tourism Authority shall meet at least once in every quarter.

**Meeting of  
Ambaji  
Pilgrimage  
Tourism  
Authority and  
transaction of  
business.**

(3) The appointment, remuneration, allowances and conditions of services of the officers and employees of Ambaji Pilgrimage Tourism Authority shall be such as may be prescribed by regulations.

7. (1) The Ambaji Pilgrimage Tourism Authority may constitute an Executive Committee and such other committees consisting of members not exceeding six in numbers, for the performance of its functions as may be determined by it.

Constitution of Committees.

(2) The terms and conditions of any of the committees constituted under sub-section (1) shall be such as may be determined by the Ambaji Pilgrimage Tourism Authority.

8. No act or proceedings of the Ambaji Pilgrimage Tourism Authority and any of its committees shall be invalidated or vitiated merely by reason of –

Validity of acts and proceedings of Ambaji Pilgrimage Tourism Authority and committees.

- (a) a vacancy therein or any defect in the constitution thereof, or
- (b) an irregularity in its procedure not affecting the merits of the case.

#### CHAPTER IV

#### POWERS AND FUNCTIONS OF AMBAJI PILGRIMAGE TOURISM AUTHORITY

Powers and functions of Ambaji Pilgrimage Tourism Authority.

9. (1) The Ambaji Pilgrimage Tourism Authority shall secure planned development of the Pilgrimage Tourism development area and take steps to provide basic infrastructure and measures for effective management thereof.

(2) The Ambaji Pilgrimage Tourism Authority shall, in particular, exercise the following powers and perform the following functions, namely: -

- (i) to engage or assist or promote necessary facilities for the local residents, pilgrims as well as tourists;
- (ii) to establish, maintain and operate services connected with the Pilgrimage Tourism industry and to co-ordinate the activities of the persons providing such services for pilgrims;
- (iii) to prescribe, regulate, maintain and enforce the standards to be maintained by the different persons engaged in Pilgrimage Tourism trade and Pilgrimage Tourism activity;
- (iv) to acquire hereinafter by sale, take on lease, hire, pledge or otherwise, grant, allocation, donation, town planning scheme, consent agreement or through proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, hold or manage any moveable or immovable property as it may deem necessary subject to general or specific directions of the State Government in this behalf;

30 of 2013.

- (v) to sale, lease, transfer or dispose of any land or building belonging to it subject to the regulations made by the State Government;
- (vi) to enter into contracts, agreements or concession agreement with any person, entity, developer or organization as it may deem necessary for performing its functions;
- (vii) to undertake preparation and execution of development plan for whole or part of the area of the Pilgrimage Tourism development area;
- (viii) to undertake preparation and execution of town planning scheme for whole or part of the Pilgrimage Tourism development area;
- (ix) to make general or specific regulations or issue directions to fix so as to implement the standards and the norms for building structures, infrastructure development, aesthetics and other construction activities;
- (x) to remove encroachments from Pilgrimage Tourism development area and constructions there from not duly authorized or made in violation of the regulations, directions and norms laid down;
- (xi) to control the development activities in accordance with the development plan and to bring aesthetics, efficiency and economy in the process of development;
- (xii) to ensure and make provision for sufficient civic amenities including drainage and services including hospitals and medical services, schools, fire services, public parks, markets and shopping places, play grounds, entertainment areas and disposal of waste.
- (xiii) to make sustainable arrangements for providing and maintaining the highest standards in civic amenities such as water supply, sewerage, power supply, transportation, communication, infrastructure and services particularly for cleanliness, aesthetics, health, hygiene, etc.
- (xiv) to provide for disaster management and mitigation;
- (xv) to levy and collect such fees, development charges, or user charges as may be fixed by the State Government;
- (xvi) to exercise such other powers and discharge such other functions for proper planning, management and development of the Pilgrimage Tourism development area, the Ambaji Pilgrimage Tourism Authority may issue such directions or instructions as it may consider necessary to any person, unit, entity, developer or any other stakeholder.
- (xvii) to exercise such other powers and discharge such other functions as may be prescribed by rules or regulations.

(xviii) to appoint directly by contractual appointment / deputation/ outsourcing or in any other manner, the staff for carrying out various functions and duties specified by the Act and determine remuneration thereof.

(xix) to exercise such other powers and perform such other functions as are incidental or consequential to any of the foregoing powers and functions or as may be directed by the State Government.

(3) The powers and functions of the Shri Arasuri Ambaji Mata Devasthan Trust (SAAMDT) shall not be affected with respect to religious activities, maintenance and development of temple complex, administration of the Trust funds including donations, and in any other manner whatsoever.

(4) On receipt of the proposal from the Ambaji Pilgrimage Tourism Authority or otherwise, the State Government may, by notification in the *Official Gazette*, delegate any of the powers and functions of the Ambaji Pilgrimage Tourism Authority to the local authority or authorities or an officer within its jurisdiction.

(5) Notwithstanding anything contained in the relevant State Acts, rules or any existing instructions of the State Government, the provisions made under clause (v) of sub-section (2) shall prevail.

#### CHAPTER V TOWN PLANNING

Application  
of  
President's  
Act No. 27 of  
1976.

10. (1) The provisions of the Gujarat Town Planning and Urban Development Act, 1976, shall *mutatis mutandis*, apply with respect to the Development Plans and to the Town Planning Schemes made under this Act.

(2) The Ambaji Pilgrimage Tourism Authority shall be the "Appropriate Authority" for the Pilgrimage Tourism development area for the purposes of sub-section (1).

#### CHAPTER VI CONTROL, REGULATION AND DEVELOPMENT IN PILGRIMAGE TOURISM DEVELOPMENT AREA

Restriction on  
development  
after  
publication of  
draft  
development  
plan.

11. (1) On or after the date on which the Ambaji Pilgrimage Tourism Authority is constituted, no person shall carry on any development in any building or in or over any land, within the limits of the said Pilgrimage Tourism development area without the permission in writing of the Ambaji Pilgrimage Tourism Authority:

Provided that no such permission shall be necessary, -

- (i) in respect of any work which is being carried on by the State Government on the date of commencement of this Act;
- (ii) for any work being carried on for the maintenance, improvement or other alteration of any building and which affect only the interior of the building or which does not materially affect the external appearance thereof;



- (iii) for the carrying out of-
  - (a) any operational construction undertaken by the Central Government or a State Government;
  - (b) any work for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables, telephone or other apparatus or the breaking open of any street or other land for such purpose;
- (iv) for any excavation, including excavation of wells made in the ordinary course of an agricultural operation;
- (v) for the construction of a road intended to give access to land solely for agricultural purposes;
- (vi) for the normal use of land which has been used temporarily for other purposes;
- (vii) in case of land normally used for one purpose and occasionally used for any other purpose, for the use of land for that other purpose;
- (viii) for any purpose incidental to the use of a building for human habitation or any other building or land attached to such building.

**12.** Any person, not being the Central Government or a State Government, intending to carry out any development in any building or in or over any land within the limits of a Pilgrimage Tourism development area shall, make an application in writing to the Ambaji Pilgrimage Tourism Authority for permission for such development in such form and containing such particulars and accompanied by such documents as may be determined by regulations.

**Application of permission for development.**

**13. (1)** Any person not being the Central Government or a State Government, intending to retain any use of building or work constructed or carried out on any land, or to continue any use of any particular land, before the date on which a final development plan comes into force, which is not in conformity with the provisions of the regulations or the final development plan, shall make an application in writing to the Ambaji Pilgrimage Tourism Authority for permission to retain or continue such use, containing such particulars and accompanied by such documents and such fees as may be determined by regulations, within six months from the date on which the final development plan in respect of such Pilgrimage Tourism development area comes into force.

**Permission for retention or continuance of use of any building or work or any use of land.**

(2) On or after the date on which the said period of six months expires, no person shall retain or continue any such use of building or work or land, without such permission having been obtained or contrary to the terms thereof:

Provided that where such person has applied under sub-section (1) within a period of six months and no order has been made within a period of six months after the receipt of the application under said sub-section (1), he shall retain or continue such use until the date of such order.



Grant or  
refusal of  
permission.

**14. (1)** On receipt of an application under section 12 or section 13, the Ambaji Pilgrimage Tourism Authority shall furnish the applicant with a written acknowledgement of its receipt and after satisfying itself that the development charge, if any, payable by the applicant has been paid and after making such inquiry as it thinks fit may, subject to the provisions of this Act, by order in writing-

- (i) grant the permission with or without any condition; or
- (ii) grant the permission, subject to any general or special order made by the State Government in this behalf; or
- (iii) refuse to grant the permission.

(2) Any permission under sub-section (1) shall be granted in the prescribed form and every order granting permission subject to conditions or refusing permission shall state the grounds for imposing such conditions or for such refusal.

(3) Every order made under sub-section (1) shall be communicated to the applicant in the manner prescribed by regulations.

(4) If the Ambaji Pilgrimage Tourism Authority fails to communicate its order to the applicant within three months from the date of receipt of the application, such permission shall be deemed to have been granted to the applicant on the expiry of the said period of three months.

Unauthorized  
construction.

**15. (1)** If any person carries on any development work or retains the use of any building or work or continues the use of land in contravention of the provisions of section 12 or section 13 or of any permission granted under sub-section (1) of section 14, the Ambaji Pilgrimage Tourism Authority may direct such person, by notice in writing, to stop further progress of such work or to discontinue any use and may, after making an inquiry in the prescribed manner, remove or pull down any building or work carried out and restore the land to its original condition or, as the case may be, take any measures to stop such use.

(2) Any expenses incurred by the Ambaji Pilgrimage Tourism Authority under sub-section (1) shall be a sum due to the Ambaji Pilgrimage Tourism Authority under this Act from the person in default.

Obligation to  
purchase land on  
refusal of  
permission or  
grant of  
permission in  
certain cases.

**16. (1)** Where permission for the retention or continuance or retention of use of building or work or land of the kind referred to in section 13 is refused or is granted subject to any conditions, then, if any owner of the land claims-

- (a) in a case where such permission is refused on the ground that the land in question has become incapable of reasonable beneficial use in its existing state,
- (b) in a case where permission is granted subject to conditions, due to which the land has become incapable of reasonable beneficial use by carrying out the conditions of the permission,

he may, within the time and in the manner determined by regulations, serve on the Ambaji Pilgrimage Tourism Authority a notice (hereinafter referred to as “a purchase notice”) requiring the Ambaji Pilgrimage Tourism Authority to purchase his interest in the land in accordance with the provisions of this section.

(2) Where a purchase notice is served on the Ambaji Pilgrimage Tourism Authority under sub-section (1), the Ambaji Pilgrimage Tourism Authority shall forthwith transmit a copy of the notice to the State Government and the State Government shall, if satisfied, confirm the notice and thereupon the Ambaji Pilgrimage Tourism Authority shall be deemed to be authorized to acquire the interest of the owner in accordance with the provisions of this Act, and shall serve on the owner a notice for acquiring his interest in such land on such date as the State Government may direct.

(3) If the State Government does not confirm the purchase notice, within the period of six months from the date on which the purchaser has served notice under sub-section (1), the notice shall be deemed to have been confirmed at the expiration of that period and the Ambaji Pilgrimage Tourism Authority on which the notice was served shall be deemed to be authorized to acquire the interest of the owner.

17. Every permission granted or deemed to have been granted under section 14 shall remain in force for a period of one year from the date of such grant and thereafter it shall lapse:

**Lapse of permission.**

Provided that, the Ambaji Pilgrimage Tourism Authority may, on an application from time to time, extend such period by a further period not exceeding one year at a time, so however, that the extended period shall in no case exceed three years in the aggregate:

Provided further that the lapse of the permission as aforesaid shall not bar any subsequent application for fresh permission under this Act.

18. (1) If it appears to the Ambaji Pilgrimage Tourism Authority that it is necessary or expedient, having regard to the development plan that may have been prepared or may be under preparation or having regard to any variation made in the final development plan that any permission granted under section 14 should be revoked or modified, the Ambaji Pilgrimage Tourism Authority may, after giving the person concerned an opportunity of being heard, by an order, revoke or modify the permission to such extent as appears to it to be necessary :

**Power of revocation and modification of permission to development.**

Provided that where the permission relates to the carrying out of any building or other operation, in or over any land, no such order shall affect such of the operations as may have already been carried out in pursuance of the permission and no such order shall be passed after such operations have substantially progressed or have been completed.

(2) Where any permission is revoked or modified by an order made under sub-section (1) and any owner claims, within the time and in the manner as may be prescribed, compensation for the expenditure incurred in carrying out any development in accordance with such permission which has been rendered abortive by the revocation or

modification, the Ambaji Pilgrimage Tourism Authority shall, after giving the owner a reasonable opportunity of being heard, assess and offer such compensation to the owner as it thinks fit.

(3) If the compensation as offered under sub-section (2) is not acceptable to the owner, he may prefer an appeal before the District Judge within a period of three months from the date of such order:

Provided that no such appeal shall be entertained if not made within the stipulated time limit.

**Penalty for unauthorized development or use or continuance or retention of the use without permission.**

**19. (1)** Any person who, whether at his own instance or at the instance of any other person, commences, undertakes or carries out development-

- (a) without any application for permission required under section 12;
- (b) which is not in accordance with any permission granted under section 13 or section 14 or is in contravention of any condition subject to which such permission has been granted;
- (c) after such permission has been duly revoked; or
- (d) in contravention of any modification made in such permission,

shall, on conviction, be punished with fine which may extend to fifty thousand rupees, and in the case of a continuing offence with a further fine which may extend to five thousand rupees for each day during which the offence continues after conviction for the first offence.

(2) Any person who continues to use or allows the use of any land or building or work in contravention of the provisions of a development plan or being allowed to do so under section 14 or where the continuance of such use has been allowed under that section, continues such use after the period for which the use has been allowed, or does not comply with the terms and conditions under which the continuance of such use is allowed, shall, on conviction, be punished with fine which may extend to fifty thousand rupees and in the case of a continuing offence, with a further fine which may extend to five thousand rupees for each day during which such offence continues after conviction for the first offence.

**Power to require removal of unauthorized development or use.**

**20. (1)** Where any development has been carried out in any of the circumstances referred to in sub-section (1) of section 19, or any use of land or building or work is continued so as to constitute an offence punishable under sub-section (2) of section 19, the Ambaji Pilgrimage Tourism Authority may, subject to the provisions of this section, within three years of such development, or continuance of use so made, serve on the owner a notice requiring him, within such period, being not less than one month as may be specified therein, after the service of the notice,-

- (a) to restore the land or building to its condition existing before the said development took place, in cases specified in clause (a) or clause (c) of sub-section (1) of section 19;

- (b) to secure compliance with the conditions or with the permissions as modified, as the case may be, in cases specified in clause (b) or clause (d) of sub-section (1) of section 19;
- (c) to discontinue such use of building or land or work:

Provided that where the notice requires the discontinuance of any use of land or building, the Ambaji Pilgrimage Tourism Authority shall also serve a notice on the occupier.

- (2) The notice under sub-section (1) may include the following, namely: -
  - (a) the demolition or alteration of any building or work;
  - (b) the carrying out on land of any building or other operations.
- (3) Any person aggrieved by such notice may, within the period specified in the notice, make representation to the Ambaji Pilgrimage Tourism Authority.
- (4) The Ambaji Pilgrimage Tourism Authority, after considering the representation and, if it deems fit, after providing an opportunity of being heard, may withdraw the notice fully or to the extent in respect of any of the matters specified therein:

Provided that in case where the representation is not withdrawn fully, the Ambaji Pilgrimage Tourism Authority may grant a period not exceeding one month for the compliance of the matters which have not been withdrawn.

- (5) In case where the owner acts in breach of the provisions of sub-section (1) or in breach of the provisions of sub-section (4), as the case may be, the Ambaji Pilgrimage Tourism Authority may pass an appropriate order,-
  - (a) to discontinue any use of land or building made in contravention of the notice;
  - (b) to demolish or alter any building or work or other operations, and recover the amount of any expenses incurred by it in this behalf from the owner as an arrear of land revenue, where the notice requires for demolition or alteration of any building or work or the carrying out of any construction or other operations, for the purpose of the restoration of the building to its condition before the development took place and secure compliance with the conditions of the permission or with the permission as modified.
- (6) Whoever, contravenes clause (a) of sub-section (5) shall, on conviction, be punished with fine which may extend to fifty thousand rupees, and in the case of a continuing offence, with a further fine which may extend to one thousand rupees for each day during which such offence continues after conviction for the first offence.

**Removal of  
unauthorized,  
temporary  
development  
summarily.**

**21. (1)** Notwithstanding anything contained in this Chapter, where any person has carried out any development of a temporary nature in any of the circumstances referred to in sub-section (1) of section 20, so as to constitute an offence punishable under that section, the Ambaji Pilgrimage Tourism Authority may, by an order in writing, direct such

person to remove any structure or work erected within fifteen days of the receipt of such order, and if thereafter, the person does not comply with the said order, the Ambaji Pilgrimage Tourism Authority may direct the Superintendent of Police, Banaskantha District to have such structure or work summarily removed without any notice and thereupon any such structure or work shall be summarily removed.

(2) The decision of the Ambaji Pilgrimage Tourism Authority on the question as to what is development of a temporary nature shall be final.

Recovery of  
expenses  
incurred.

22. Any expenses incurred by the Ambaji Pilgrimage Tourism Authority under section 20 or section 21 shall be a sum due to the Ambaji Pilgrimage Tourism Authority under this Act from the person in default or the owner of the land or the building.

23. (1) Where the Central Government or a State Government intends to carry out development of any land for any purpose of the Government or for carrying out any operational construction, the concerned Department shall inform in writing the Ambaji Pilgrimage Tourism Authority of its intention to do so, giving full particulars thereof, and accompanied by such documents and plans as may be prescribed at least thirty days before undertaking such development or construction.

Development  
under taken on  
behalf of  
Government and  
Ambaji  
Pilgrimage  
Tourism  
Authority.

(2) Where the Ambaji Pilgrimage Tourism Authority raises any objection to the proposed development on the ground that such development is not in conformity with the provisions either of any development plan under preparation, or development plan already sanctioned, or of any building bye-laws in force for the time being, or for any other material consideration, the concerned Department shall-

- (i) either make necessary modifications in the proposals for development to meet the objections raised by the Ambaji Pilgrimage Tourism Authority; or
- (ii) submit the proposals for development together with the objections raised by the Ambaji Pilgrimage Tourism Authority to the State Government for decision.

(3) The State Government on receipt of the proposals for development together with the objections of the Ambaji Pilgrimage Tourism Authority shall, either approve the proposals with or without modifications or direct the department to make such modifications in the proposals as it considers necessary in the circumstances.

(4) Where the Ambaji Pilgrimage Tourism Authority intends to carry out development of land for its own purpose in the exercise of its powers under any law for the time being in force, such development shall be in conformity with the development plan and of the bye-laws or regulations relating to construction of buildings.

(5) The provisions of sections 12, 13 and 14 shall not apply to developments carried out under this section.

**CHAPTER VII**  
**PILGRIMAGE TOURISM AREA PROTECTION AND**  
**MAINTENANCE**

**24.** The District Police shall assist the officers or any other persons authorized to discharge any of the provisions for enforcement of this Act particularly in respect of the following, namely:-

**District police  
to assist Ambaji  
Pilgrimage  
Tourism  
Authority.**

- (i) for the better protection and security of the public property within the Pilgrimage Tourism development area including prevention of encroachments and removal thereof;
- (ii) for aiding the officers of the Ambaji Pilgrimage Tourism Authority in the detection and investigation of any matter relating to leakage of revenue or any amount payable to the Ambaji Pilgrimage Tourism Authority;
- (iii) for effective communication and obtaining of any information regarding any design to commit or the commission of any offence by any person under this Act or any rules or regulations made thereunder;
- (iv) to exercise such other powers and discharge such other functions as may be prescribed.

**Appointment  
of Prescribed  
Authority.**

**25.** The State Government may, by notification in *Official Gazette*, appoint any officer to be a Prescribed Authority for the Pilgrimage Tourism development area.

**Prevention  
of nuisance.**

**26.** Notwithstanding anything contained in any other law for the time being in force, or any instrument, contract or usage or any order, judgment or decree of any court, no person, company, association or firm or any other body shall cause any nuisance within the Pilgrimage Tourism development area.

**Power of  
Prescribed  
Authority to  
prohibit  
nuisance.**

**27. (1)** The Prescribed Authority, either on its own motion or upon a complaint received or upon reference made to him, may, by an order in writing and without giving any prior notice, prohibit any nuisance being caused or prevent any such activity, process, operation being carried out, if in his opinion, the same has damaged or deteriorated or is likely to damage or affect adversely to pilgrimage tourism potentiality of the Pilgrimage Tourism development area, and pass such interim orders as it deems fit.

(2) If, in the opinion of the Prescribed Authority, despite the actions taken by him under sub- section (1) a nuisance is continued, he shall issue notice to the person responsible for such nuisance to remove such nuisance forthwith.

(3) If the concerned person fails to comply with the directions under sub-section (1), the material thing or object of nuisance shall stand forfeited and vested in the State Government.

(4) The expenses and costs incurred, if any, in removing or abating such nuisance, shall be recovered as an arrear of land revenue from the person who has caused such nuisance.



(5) Any property, thing, material or object, which is a nuisance under this Act, may be disposed of or dealt with by the State Government in the manner as it may deem fit.

(6) Whoever causes the nuisance or abets the same or fails to comply with any order or directions given under this section, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to fifty thousand rupees or both.

(7) Any offence committed under sub-section (6) shall be cognizable and non-bailable.

**28. (1)** No person shall, within the Pilgrimage Tourism development area commit or cause to commit or attempt to commit any act of touting or malpractice against any pilgrim or engage in begging or in unauthorized hawking at any pilgrimage tourist destination and shall be dispersed by any personnel authorized by the Ambaji Pilgrimage Tourism Authority;

**Prohibition of certain activities in Pilgrimage Tourism development area.**

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with imprisonment for a term which may extend to one month or with fine which may extend to five thousand rupees or with both.

## **CHAPTER VIII**

### **LICENSING, REGISTRATION, RECOGNITION AND GRADING OF PILGRIMAGE TOURISM TRADE RELATED ACTIVITIES**

**29.** The Ambaji Pilgrimage Tourism Authority shall regulate every category of tourism trade in the Pilgrimage tourism development area by registering, recognition and grading in accordance with the procedures as determined by Ambaji Pilgrimage Tourism Authority.

**Registration, Recognition and Grading.**

**30. (1)** The Ambaji Pilgrimage Tourism Authority may, for the Pilgrimage Tourism development area, from time to time, appoint as many tourist guides as required and specify their functions.

**Appointment of Tourist Guide and licensing.**

(2) The Ambaji Pilgrimage Tourism Authority shall appoint the tourist guides in the manner as may be determined by it.

(3) The Ambaji Pilgrimage Tourism Authority shall issue necessary license to the tourist guides containing therein the terms and conditions of such license.

(4) It shall be competent for the Ambaji Pilgrimage Tourism Authority to cancel the licenses of any tourist guide if he breaches any of the terms and conditions of the licenses.

(5) No person having not been granted the license, shall act as a tourist guide.

(6) Whoever acts as a tourist guide without having the license, shall, on conviction, be punishable with imprisonment which may extend to one month.

## CHAPTER IX

## AMBAJI PILGRIMAGE TOURISM AUTHORITY TO BE AN INDUSTRIAL TOWNSHIP

Ambaji  
Pilgrimage  
Tourism  
Authority to  
be an  
Industrial  
Township.

31. (1) The State Government may, having regard to the proviso to clause (1) of article 243Q of the Constitution of India consider the Pilgrimage Tourism development area to be an industrial township, and may by notification, declare the Pilgrimage Tourism development area to be a notified area:

Provided that, the State Government may, while declaring the notified area, include or exclude the village site area (*gamtal*) of a Village Panchayat or Municipal area.

(2) The provisions of sections 264B and 264C of the Gujarat Municipalities Act, 1963 shall be applicable in case the Pilgrimage Tourism development area is declared as notified area under sub-section (1).

Guj. 34 of  
1964.

## CHAPTER X

## FINANCE, ACCOUNTS AND ANNUAL REPORTS OF AMBAJI PILGRIMAGE TOURISM AUTHORITY

Funds of  
Ambaji  
Pilgrimage  
Tourism  
Authority.

32. (1) The Ambaji Pilgrimage Tourism Authority shall establish a fund to be called the "Ambaji Pilgrimage Tourism Authority fund".

(2) The following shall form part of, or be paid in to, the fund.

- (a) all money received by the Ambaji Pilgrimage Tourism authority by way of grants, loans, advances, fees, development charges or otherwise;
- (b) all money derived from its undertakings, projects and other sources;
- (c) bequests, donations made to the Authority, if any.
- (d) all money received by the Ambaji Pilgrimage Tourism Authority in any other manner or from any other source.

(3) The fund of the Ambaji Pilgrimage Tourism Authority shall be applied towards the expenses of the authority including expenses incurred in the exercise of its powers and discharge of its functions and for achieving the objects of this Act

(4) The Ambaji Pilgrimage Tourism Authority fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 or in any bank authorized by the State Government in this behalf or invested in such manner as may be prescribed.

2 of 1934.

(5) The State Government may make such grants, advances and loans to Ambaji Pilgrimage Tourism Authority as the State Government may deem necessary for the performance of its functions under this Act on such terms and conditions as the State Government may determine.

33. The Ambaji Pilgrimage Tourism Authority may, from time to time, borrow for such period and upon such terms, as the State Government may approve, any sum of money necessary for the purpose of achieving the objects of this Act.

Power of  
authority to  
borrow  
money.



**34. (1)** Any sum due to the Ambaji Pilgrimage Tourism Authority under this Act shall be a first charge on the plot on which it is due, subject to the prior payment of land revenue, if any, due to the State Government thereon. **Recovery of arrears.**

(2) It shall be competent for the Ambaji Pilgrimage Tourism Authority to recover any sum due to it which is not paid on demand on the day on which it becomes due or on the day fixed by the Ambaji Pilgrimage Tourism Authority by way of distress and sale of the goods and chattel of the defaulter, as if the amount thereof were a property tax due by the said defaulter.

**35. (1)** The Ambaji Pilgrimage Tourism Authority shall maintain proper accounts and other records and prepare an annual statement of accounts, including the income and expenditure accounts and the balance sheet, in such form and in such manner as may be prescribed and shall forward to the State Government. **Accounts and Audit.**

(2) The accounts of the Authority shall be subject to the audit every year by the Accountant General of the State and any expenditure incurred by him in connection with such audit shall be payable by the Authority to the Accountant General.

**36. (1)** The Ambaji Pilgrimage Tourism Authority shall during each financial year, prepare an annual report giving a true and full account of its activities during the previous financial year and an account of the activities likely to be undertaken by it in current financial year and submit it to the State Government. **Annual Report.**

(2) The State Government shall cause every such report along with the audited annual accounts for the year to be laid before the State Legislature as soon as may be after the receipt of the report under sub-section (1).

**Provident fund.** **37.** The Ambaji Pilgrimage Tourism Authority shall provide to its employees the benefits of EPF scheme applicable under the prevailing law.

## CHAPTER XI MISCELLANEOUS

**Effect with respect to land right.** **38. (1)** Notwithstanding anything contained in this Act or in any other law for the time being in force, no person shall have any right or any claim over any land which has been acquired by the State Government or by any Government agency prior to coming into force of this Act within the Pilgrimage Tourism Development area and had vested in it,

(2) It shall be competent for the State Government to remove any person from the land referred to in sub-section (1).

**Information on Pilgrimage Tourism.** **39. (1)** Any person who is engaged in any Pilgrimage Tourism activity or Pilgrimage Tourism trade within the Pilgrimage Tourism development area shall get himself registered before the Ambaji Pilgrimage Tourism Authority in the manner as may be determined by it.

(2) The Ambaji Pilgrimage Tourism Authority shall maintain information of all registrations made under sub-section (1) in the manner as may be determined by it.

**Power of State Government to appoint its employees.**

40. It shall be competent for the State Government, if it considers it necessary to do so, to appoint any employee of the State Government to any office or post under the Ambaji Pilgrimage Tourism Authority upon such terms and conditions as the State Government may determine.

41. (1) If in the opinion of the State Government, the Ambaji Pilgrimage Tourism Authority is not competent to exercise or perform, or neglects or fails to exercise or perform, any power conferred or duty imposed upon it under any of the provisions of this Act, the State Government or a person or persons appointed in this behalf by the State Government may exercise such power or perform such duty.

State Government or person appointed by it may exercise powers, perform duty conferred or imposed on Ambaji Pilgrimage Tourism Authority and disbursement of expense in certain circumstances.

(2) Any expenses incurred by the State Government or by such person or persons in exercising such power or performing such duty shall be paid out of the fund of the Ambaji Pilgrimage Tourism Authority and the State Government may make an order directing any person who for the time being has custody of any such funds to pay such expenses from such fund and such person shall be bound to comply with such order.

42. (1) For the discharge of duties and functions cast under this Act any person authorized by Ambaji Pilgrimage Tourism Authority or any other person authorized by the State Government or any authority shall be authorized to enter into or upon any land or building with or without assistance:

Power of entry.

Provided that-

- (i) no such entry shall be made except between the hours of sunrise and sunset or without giving its occupier at least 24 hours' notice in writing of the intention to enter in the case of any building used as a dwelling house or in the land wherein such building exists;
- (ii) sufficient opportunity shall be given to enable a woman to withdraw from such land or building;
- (iii) due regard shall always be had to the social and religious usages of the occupants of the land or building entered.

(2) Any person who obstructs the entry of a person empowered or authorised under this section to enter into or upon any land or building shall on conviction, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees or with both.

43. (1) All documents including notices and orders required by this Act or any rules or regulations made thereunder to be served upon any person shall, save as otherwise provided in this Act or rules or regulations, be deemed to be duly served, -

Service of notice, etc.

(a) where the document is to be served on a Government department, railway, local authority, statutory authority, company, corporation, society or other body, if the document is addressed to the head of the Government department, General Manager of the railway, secretary or principal officer of the local authority, statutory authority, company, corporation, society or other body at its principal or branch office, or the local or registered office, as the case may be, and is either-

- (i) sent by registered post to such office, or
- (ii) delivered at such office;

(b) where the document is to be served on a partnership firm, addressed at its principal place of business, identifying it by the name or style under which its business is carried on and is either-

- (i) sent by registered post to such place of business, or
- (ii) delivered at the said place of business; and

(c) where any document is to be served on the owner or occupier or in any other case, if the document is addressed to the person to be served and-

- (i) is given or tendered to him, or
- (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or
- (iii) is sent by registered post to that person.

(2) Where a document is to be served on a partnership firm in accordance with this section, the document shall be deemed to be served on each partner.

(3) Where the person on whom a document is to be served is a minor, then service upon his guardian or any adult member of his family shall be deemed to be the valid service upon the minor.

**Public notice  
how to be made  
known.**

**44.** Every public notice given under this Act shall be in writing and shall be widely circulated in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality and by advertisement in one or more local newspapers.

**Reasonable  
time for  
notice.**

**45.** Where any notice, order or other document issued or made under this Act requires anything to be done for which no time is fixed, the notice, order or other document shall specify a reasonable time for processing the same.

**Offence by  
companies.**

**46. (1)** If the person committing an offence under this Act is a company, every person, who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained above shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance, of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly :

**Explanation.** - For the purposes of this section-

- (a) "company" means any corporate body and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm means a partner in the firm.

47. (1) Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State laws for the time being in force.

Effect of  
other laws.

(2) Notwithstanding anything contained in any other law for the time being in force, when permission for such development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained.

President's Act  
No. 27 of 1976.

Bom. V of 1879.

48. In respect of the land which is included in the scheme sanctioned under the provisions of the Gujarat Town Planning and Urban Development Act, 1976, the provisions of the Gujarat Land Revenue Code, 1879, in so far as obtaining the permission of the Collector for the use of the agricultural land into any non-agriculture purpose is concerned, shall be applicable as per general or specific orders of the State Government made in this behalf.

Application  
of  
provisions  
of section  
65 of  
Gujarat  
Land  
Revenue  
Code, 1879.

30 of 2013.

49. Land needed for the purposes of a town planning scheme, development plan or an infrastructure project under this Act shall be deemed to be the land needed for public purpose within the meaning of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Land  
deemed to be  
for public  
purpose.

Members,  
officers and  
employees to  
be public  
servants.

50. All members, officers, and employees of the Ambaji Pilgrimage Tourism Authority, and other Government Company or Agency shall, while acting or purporting to act in pursuance of the provisions of this Act or the rules and regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protection of action taken in good faith.	51.	No suit, prosecution or other legal proceedings shall lie against the Ambaji Pilgrimage Tourism Authority, other Government companies or any of their committees, members, officers and employees for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rules or regulations made there under.	
Power of State Government to give directions.	52.	(1) The State Government may issue directions to the Ambaji Pilgrimage Tourism Authority for carrying out the purposes of this Act and the authority shall follow such directions. (2) While exercising its powers and discharging of its functions by Ambaji Pilgrimage Tourism Authority under this Act, if any dispute arises between the authority and the State Government, the decision of the State Government on such disputes shall be final.	
Power of State Government to make rules.	53.	(1) The State Government may, by notification in the <i>Official Gazette</i> , make rules to carry out the purposes of this Act. (2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to such modifications as the legislature may make during the session in which they are so laid or the session immediately following.	
Power of Ambaji Pilgrimage Tourism Authority to make regulations.	54.	The Ambaji Pilgrimage Tourism Authority may make regulations not inconsistent with the provisions of this Act and the rules made there under to carry out the purposes of this Act and for enabling it to discharge its functions under this Act.	
Power of State Government to remove difficulties.	55.	(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the <i>Official Gazette</i> , make such provisions not inconsistent with the provisions of this Act, as appears to be necessary or expedient for removing the difficulty: Provided that no order under sub-section (1) shall be made after the expiry of two years from the date of commencement of this Act. (2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.	
	56.	Notwithstanding anything done or any action taken including (i) any declaration of intention to make a town planning scheme, (ii) any draft development plan or draft town planning scheme published by Ambaji Area Development Authority, (iii) any application made to the State Government for the sanction of any draft development plan or draft town planning scheme, (iv) any sanction given by the State Government to the draft development plan or draft town planning scheme or any part thereof,	Saving.

- (v) any restriction imposed on any person against carrying out any development work in any building or in or over any land or upon an owner of land or building against the erection or re-election of any building or work,
- (vi) any commencement certificate granted,
- (vii) any order or suspension of rule, bye-law, regulation, notification or order made,
- (viii) any purchase notice served on a Ambaji Area Development authority,
- (ix) any interest of an owner compulsorily acquired or deemed to have been acquired by it in pursuance of such purchase notice,
- (x) any revision of development plan,
- (xi) any appointment made of Town Planning officer,
- (xii) any proceeding pending before, and any decision of, a Town Planning Officer or a Board of Appeal,
- (xiii) any final scheme forwarded to, or sanctioned, varied or withdrawn by, the State Government,
- (xiv) any delivery of possession enforced,
- (xv) any eviction summarily made,
- (xvi) any notice severed,
- (xvii) any action taken to enforce a scheme,
- (xviii) any costs of scheme calculated and any payments made to Ambaji Area Development authority by owners of plots included in a scheme,
- (xix) any recoveries made or to be made or compensation awarded or to be awarded in respect of any plot, any rules or regulations made,

**President's  
Act No. 27  
of 1976.**

under the Gujarat Town planning and Urban Development Act, 1976 shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and the provisions of this Act shall have effect in relation thereto.

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# The Gujarat Government Gazette

**EXTRAORDINARY**  
**PUBLISHED BY AUTHORITY**

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

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## **PART - IV**

**Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor**

The following Act of the Gujarat Legislature, having been assented to by the President on the 6<sup>th</sup> October, 2020 is hereby published for general information.

**K. M. LALA,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

### **GUJARAT ACT NO. 17 OF 2020.**

(First published, after having received the assent of the President, in the "Gujarat Government Gazette", on the 15<sup>th</sup> October, 2020).

### **AN ACT**

further to amend the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991.

It is hereby enacted in the Seventieth Year of the Republic of India as follows:-



**Short title and commencement.**

**1.** (1) This Act may be called the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas (Amendment) Act, 2019.

(2) It shall come into force at once.

**Amendment in section 2 of Guj. 12 of 1991.**

**2.** In the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991 (hereinafter referred to as “the principal Act”), in section 2, -

**Guj. 12 of 1991.**

(i) in clause (a), after the words and figure “under section 3”, the words “and includes an area of five hundred meters adjacent to the boundary of the disturbed area” shall be added;

(ii) after clause (c), the following new clauses shall be added, namely:-

“(d) “proper clustering of persons of one community” with all grammatical variations and cognate expressions shall mean, in relation to a geographical area, a small or large social unit or a group of living things who have something in common, such as norms, religion, values, or identity and often share a sense of place that is situated in a given geographical area;

(e) “transfer” for the purposes of this Act in relation to an immovable property means a transfer of right, title or interest in or over such property or the possession thereof by way of sale, gift, exchange, lease or otherwise and includes allowing possession of such property to be taken or retained-

(i) under an agreement to sale; or

(ii) under the power of attorney; or

(iii) in part performance of contract of the nature referred to the nature referred to in section 53A of the Transfer of Property Act, 1882; or

**4 of 1882.**

(iv) under any other document, whether registered or not or whether notarized or not, evidencing transfer of possession of such property.



- (f) “re-development of immovable property” means and includes the action or process of developing something again or differently with or without demolishing the existing immovable property;
- (g) “rehabilitation scheme” means a scheme made and specified as such for the purposes of this Act by notification in the *Official Gazette*, by State Government for relocating the persons displaced from the lands due to Government projects like rail, road, buildings, bridges, dams, and the like.
- (h) “Collector” means the Collector appointed by the State Government under section 8 of the Gujarat Land Revenue Code, 1879.”.

V of 1879.

3. In the principal Act, for the section 3, the following section shall be substituted, namely:-

Substitution of  
section 3 of Guj.  
12 of 1991.

Declaration of  
disturbed area.

“3. (1) Where the State Government is of the opinion that, –

(i) having regard to the intensity and duration of riot or violence of mob and such other factors in any area of the State, the public order in that area was disturbed for a substantial period by reason of riot or violence of mob; or

(ii) polarization of persons belonging to one community has taken place or is likely to take place disturbing the demographic equilibrium of the persons of different communities residing in that area or that improper clustering of persons of one community has taken place or is likely to take place where the mutual and peaceful coherence amongst different communities may go haywire in that area; or

(iii) for the reasons stated in this sub-section, that area of the State has become prone to disturbance of public order,

it may, by notification in the *Official Gazette*,

(a) declare such area to be a disturbed area;

(b) specify the substantial period (hereinafter referred to as "the specified period").

**Explanation.** - In this section the word "riot" shall have the same meaning as in section 146 of the Indian Penal Code.

**XLV of 1860.**

(2) Where the State Government is of opinion that public order in the area declared as disturbed area under sub-section (1) has ceased to be disturbed, it may by notification in the *Official Gazette*, rescind the notification issued under sub-section (1) in relation to such area and on such rescission the provisions of this Act shall cease to apply to such area except as respects things done or omitted to be done under this Act and except as respects the application of the Gujarat Rents, Hotel and Lodging House Rates Control Act, 1947 to such area, as amended by this Act.”.

**Bom. LVII of 1947.**

**Substitution of  
section 4 of Guj.  
12 of 1991.**

**4.** In the principal Act, for section 4, the following section shall be substituted, namely:-

**Certain transfers  
of immovable  
property to be  
void.**

**“4.** Notwithstanding anything contained in any law for the time being in force but subject to sub-section (1) of section 5, all transfers of immovable property situated in a disturbed area made during the specified period shall be null and void, with effect from the date of such transfer.”.

**Amendment of  
section 5 of Guj.  
12 of 1991.**

**5.** In the principal Act, in section 5, in sub-section (3), for clauses (b) and (c), the following clauses shall be substituted, namely:-

**“(b)** On receipt of such application, the Collector shall hold a formal inquiry in the manner provided by the Gujarat Land Revenue Code, 1879, and after giving an opportunity to the applicant to be heard and after considering any evidence produced, decide whether –

**Bom. V of 1879.**

(i) the immovable property is sought to be transferred in terms of clause (e) of section 2;

- (ii) there is free consent of persons intending to be the transferor and the transferee;
- (iii) the transfer is for a fair value of immovable property proposed to be transferred;
- (iv) there is likelihood of polarization of the persons belonging to the community causing disturbance in demographical equilibrium of the persons belonging to different communities residing in the area in which the immovable property is proposed to be transferred;
- (v) there is likelihood of improper clustering of persons belonging to one community in the area in which the immovable property is proposed to be transferred and accordingly,-

(a) reject the application; or

(b) by an order in writing, give previous sanction to the proposed transfer of immovable property.

(c) The Collector shall decide the application made under sub-section (2) preferably within a period of three months from the date of receipt of application:

Provided that the Collector may extend the said period by recording reasons which necessitated extension of the said period.”.

6. In the principal Act, for section 5A, the following section shall be substituted, namely:-

**Substitution of  
section 5A of  
Guj. 12 of 1991.**

**Obligations of  
transferor and  
transferee who  
have received  
advantage under  
null and void  
orders.**

“5A. (1)(a) Where a transfer of immovable property is null and void under section 4, the transferor who has received any consideration for such transfer shall return the consideration to the transferee-

- (i) where such transfer is made before the date of commencement of the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises

in the Disturbed Areas (Amendment) Act, 2019, within six months from the date of such commencement, or

Guj. of 2019.

(ii) where such transfer is made after the date of such commencement, within six months from the date of such transfer.

(b) the transferee or any other person on whose behalf of such transferee (hereinafter in this section referred to as the 'agent' has possession of such immovable property shall restore the property to the transferor within the said period of six months.

(c) the transferee shall not make any improvement in the property and the Collector may, by an order, restrain the transferee to make any improvement in the property.

(2) (a) Where a transferor fails to return the consideration to the transferee within the said period of six months, or

(b) where a transferee or his agent fails to restore possession of the immovable property to the transferor within the said period of six months, the transferee in case of clause (a) of sub-section (1) and the transferor in case of clause (b) of sub-section (1) may make an application in such form and within such period as may be prescribed, to the Collector for making an order directing the transferor to return the consideration to the transferee or, as the case may be, directing the transferee to restore possession of the immovable property to the transferor.

(3) The Collector may at any time *suo motu* or on application made to him under sub-section (2), shall, after making a formal inquiry in the manner prescribed by the Gujarat Land Revenue Code, 1879 and after giving the transferor and the transferee or, as the case may be, his agent an opportunity of being heard and after considering any evidence which may be produced, make an order in writing directing the transferor to return such consideration to the transferee within such time as may be specified in the order or, as the case

Bom. V of 1879.

may be, an order in writing directing the transferee or his agent to restore the possession of the immovable property to the transferor within such time as may be specified in the order or make such other order as he deems fit.

- (4) (a) Where the transferor fails to return the consideration to the transferee within the time specified in the order made under sub-section (3), the Collector may recover the consideration from the transferor as an arrear of land revenue and pay the same to the transferee after deducting the expenses for such recovery.
- (b) Where the transferee or his agent fails to restore possession of the immovable property within the time specified in the order made under sub-section (3), the Collector may, notwithstanding anything to the contrary contained in any law for the time being in force, evict the transferee or his agent from the immovable property and take possession of such property and may, for such purpose use or cause to be used such force as may be necessary, and restore the possession of such property to the transferor.
- (5) Where a transferor fails to take possession of such property, the property shall temporarily be in the custody of the Collector and the Collector may take such measures as he considers necessary or expedient for securing and managing such property subject to the provision of the rules made in this behalf until the said property is disposed of by the Collector in the manner as may be prescribed.”.

7. In the principal Act, for section 6, the following section shall be substituted, namely:-

**Substitution of  
section 6 of Guj.  
12 of 1991.**

**Appeal.** “6. (1) Any person aggrieved by the decision of the Collector rejecting an application under sub-section (2) of section 5 may file an appeal before the State Government in such manner, within such time, and on payment of such fees, as may be prescribed:

Provided that if the Appellate Officer is satisfied that such person was prevented from preferring an appeal within the prescribed time limit for sufficient cause, he may entertain the appeal even after such prescribed time limit.

(2) The State Government shall, after affording an opportunity of being heard to such person, may confirm, revise or dismiss the order against which appeal is preferred.”.

Insertion of new  
sections 6A to 6E  
in Guj. 12 of  
1991.

8. In the principal Act, after section 6, the following sections shall be inserted, namely:-

Sections 4 and 5  
not to apply to  
certain transfer  
of immovable  
property in  
rehabilitation  
schemes.

“6A. (1) Nothing in section 4 and 5 shall apply to the transfers of immovable properties by the persons residing in such rehabilitation schemes of the State Government in the disturbed area, as may be specified by the State Government by notification in the *Official Gazette*.

(2) Nothing in section 5 shall apply where the State Government relocates the persons in any of its rehabilitation schemes falling in the disturbed area.

Redevelopment  
of immovable  
property.

6B. Any person who desires to redevelop the immovable property standing in his name in the revenue records for further transfer whole or part thereof after redevelopment, shall apply under sub-section (1) of section 5 for getting previous sanction of the Collector and thereupon, the remaining provisions of section 5 shall apply to such application *mutatis mutandis*;

Provided that previous sanction of the Collector shall not be required in case a person intends to redevelop his immovable property for his personal use.

Revision.

6C. The State Government may, on its own motion or on application, call for and examine the records of any order passed or proceeding taken under the provisions of this Act and against which no appeal has been preferred under section 7 for the purpose of

satisfying itself as to the legality or propriety of such order or as to the regularity of such procedure and pass such order with respect thereto as it may think fit:

Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard in the matter.

**Penalty for  
contravention of  
provisions of the  
Act.**

**6D.** Whoever contravenes the provisions of section 4, or 5 shall on conviction be punished with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine which shall not be less than rupees one lakh or ten per cent. of the value of property derived based on the *jantry* of the property, whichever is higher, shall be levied.

**Cognizable  
offence.**

**6E.** Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offence punishable under section 6D shall be cognizable.”. **2 of 1974.**

**Insertion of new  
sections 16A to  
16C in Guj. 12 of  
1991.**

**9.** In the Principal Act, after section 16, the following sections shall be inserted, namely:-

**Constitution of  
Monitoring and  
Advisory  
Committee.**

**“16A.** (1) The State Government shall, as soon as may be after the commencement of the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas (Amendment) Act, 2019, constitute a Committee called the Monitoring and Advisory Committee.

**Guj.17 of  
2019.**

(2) The Monitoring and Advisory Committee shall consist of a Chairperson and such number of other official members as the State Government may deem fit.

(3) The Monitoring and Advisory Committee shall conduct or cause to be conducted studies in the disturbed areas to ascertain from time to time whether the proper clustering of people of the community is maintained.

(4) The Monitoring and Advisory Committee shall advise -

(a) the State Government either generally as regards any rules or for any other purpose connected with this Act;

(b) the Collector in discharge of his functions under this Act.

**Additional  
Provisions.**

**16B.** Notwithstanding anything contained in –

(1) the Gujarat Co-operative Societies Act, 1961, the persons seeking to register a co-operative housing society or Chairman or Secretary of the society shall, when a person before transferring his right, title or interest in his holding in a cooperative society in the specified area, along with the application for registration of such society, or as the case may be, before transferring his right, title or interest in his holding in such society shall file a self-declaration that no breach of section 4 or 5 shall take place due to registration of the co-operative housing society or transfer of right, title or interest in his holding in such society.

**Guj. 10 of  
1962.**

(2) the Gujarat Provincial Municipal Corporations Act, 1949, the person shall, at the time of applying for the permission for getting building use of immovable property situated in the specified area, file a self-declaration that occupation of houses on getting permission to use the building shall not invite any breach of the provisions of sections 4 or 5;

**Bom. LIX of  
1949.**

(3) the Gujarat Municipalities Act, 1963, the person shall, at the time of applying for the permission for getting building use of immovable property situated in the disturbed area, file a self-declaration that occupation of houses on getting permission to use the building shall not invite any breach of the provisions of section 4 or 5;

**Guj. 34 of 1964.**

(4) the Indian Registration Act, 1908, the registering authority shall not accept or register any document relating to immovable property situated in the specified area which is required to be compulsorily registered unless the order granting previous sanction of the Collector under section 5 is produced along with the document sought to be registered.

**XVI of 1908.**



**Special  
Investigation  
Team.**

**16C.** (1) The State Government shall constitute a Special Investigation Team for Police Commissionerate area comprising of Collector, Police Commissioner and Municipal Commissioner and for rest of area a team comprising of Collector, Superintendent of Police and Regional Municipal Commissioner of the concerned district.

(2) The special investigation team shall discharge the following functions, namely:-

(i) assist the State Government in forming opinion before declaration of any area to be a disturbed area under section 3;

(ii) assist the authorized officer in examining the cases as may be referred by the authority before grant of sanction or otherwise under section 5;

(iii) assist the Monitoring and Advisory Committee in gathering necessary information in regard to sub-section (3) of section 16A.

**Amendment of  
certain Acts.**

**16D.** Each of the Acts specified in the second column of the Schedule shall be amended in the manner and to the extent specified against it in the third column thereof.

**SCHEDULE**

(See section 16D)

<b>Sr. No.</b>	<b>Short title</b>	<b>Extent of Amendment.</b>	
1	2	3	
1.	The Indian Registration Act, 1908. (XVI of 1908)	<b>Amendment of section 17 of XVI of 1908.</b>	In the Registration Act, 1908 in its application to the State of Gujarat, in section 17, in sub-section (1), - (i) to clause (e), after the existing proviso, the following proviso and Explanation thereunder shall be inserted, namely:- “Provided further that the registering authority shall not accept or register any document relating to immovable property situated in the disturbed area which is required to be compulsorily registered

			<p>unless the order granting previous sanction of the Collector under section 5 of the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991 is produced along with the document sought to be registered.</p> <p><i>Explanation.-</i> For the purpose of this sub-section, the expression “disturbed area” shall have the meaning as assigned to it in the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991”.</p>	<p>Guj. 12 of 1991.</p> <p>Guj. 12 of 1991.</p>
2	The Gujarat Provincial Municipal Corporations Act, 1949. (Bom. LIX of 1949)	Insertion of new section 263B in Bom. LIX of 1949.	<p><b>“263B. Permission for getting building use of immovable property situated in the disturbed area.</b> The person shall, at the time of applying for the permission for getting building use of immovable property situated in the disturbed area, file a self-declaration that occupation of houses on getting permission to use the building shall not invite any breach of the provisions of section 4 or 5 of the Gujarat Prohibition of Transfer of Immovable Property and Provision for</p>	

			<p>Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991.</p> <p><i>Explanation.-</i> For the purpose of this section, the expression “disturbed area” shall have the meaning as assigned to it in the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991.”.</p>
3.	The Gujarat Municipalities Act, 1963. (Guj. 34 of 1964)	<b>Amendment of section 157 of Guj. 34 of 1964.</b>	<p>In the Gujarat Municipalities Act, 1964, in section 157, after sub-section (1), the following sub-section and the Explanation thereunder shall be inserted, namely:-</p> <p>“(1A) The person shall, at the time of delivering or sending notice to the Chief Officer for completion certificate for the permission for getting building use of immovable property situated in the disturbed area, file a self-declaration that occupation of houses on getting permission to use the building shall not invite any breach of the provisions of section 4 or 5 of the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991.</p>

Guj. 12 of 1991.

Guj. 12 of 1991.

			<p><i>Explanation.-</i> For the purpose of this sub-section, the expression “disturbed area” shall have the meaning as assigned to it in the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991.”.</p>
4	The Gujarat Co-operative Societies Act, 1961. (Guj. X of 1962)	<b>Amendment of section 8 of Guj. X of 1962.</b>	<p>In the Gujarat Co-operative Societies Act, 1961, -</p> <p>(i) in section 8, after sub-section (1), the following sub-section and Explanation thereunder shall be inserted, namely:-</p> <p>“(1A) The persons seeking to register a co-operative housing society in the disturbed area shall, along with the application for registration of such society, file a self-declaration that no breach of section 4 or 5 of the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991 shall take place due to registration of the co-operative housing society.</p> <p><i>Explanation.-</i> For the purpose of this sub-section, the expression “disturbed area” shall have the meaning as assigned to it in the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of</p>

Guj. 12 of 1991.

		<p><b>Amendment of section 26 of Guj. 12 of 1991.</b></p>	<p>Tenants from Eviction from premises in the Disturbed Areas Act, 1991.”;</p> <p>(ii) the existing section 26 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section and Explanation thereunder shall be inserted, namely:-</p> <p>“(2) The Chairman or, as the case may be the Secretary of the co-operative society shall, before transferring the right, title or interest in the holding in a co-operative society in the disturbed area, file a self-declaration that no breach of section 4 or 5 of the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991 shall take place due to transfer of right, title or interest in the holding in such society.</p> <p><i>Explanation.</i>- For the purpose of this sub-section, the expression “disturbed area” shall have the meaning as assigned to it in the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991.”.</p>
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Extra No. 29



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# The Gujarat Government Gazette

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

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## PART - IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations  
made by the Governor

### HEALTH AND FAMILY WELFARE DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 10<sup>th</sup> November, 2020.

### GUJARAT ORDINANCE NO. 12 OF 2020.

#### *A N O R D I N A N C E*

*to repeal the existing the Gujarat Ayurved University Act, 1965 and to  
re-enact the same in the new dynamic format by doing away certain  
processes that consume more time and include therein a new system of  
governance of Ayurved University and colleges.*

WHEREAS the Legislative Assembly of the State of Gujarat is not  
in session;

AND WHEREAS the Governor of Gujarat is satisfied that circumstances  
exist which render it necessary for him to take immediate action to repeal the  
existing the Gujarat Ayurved University Act, 1965 and to re-enact a new law  
by promulgating Ordinance.

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely:-

## CHAPTER I

### PRELIMINARY

1. **Short title and Commencement.-** (1) This Ordinance may be called the Gujarat Ayurved University Ordinance, 2020.

(2) It shall come into force at once.

2. **Definitions.-** In this Ordinance, unless the context otherwise requires:

- (1) “affiliated college or Institution” means a college or Institution imparting education in Ayurved and allied subjects which has been granted affiliation by the University;
- (2) “approved institution” means hospital, health centre or such other institutions recognised by the University as an institution in which a person may undergo training, if any, required by a course of study leading to degree, diploma or certificate or other academic distinction of the University;
- (3) “Ayurvedic institution” means an educational institution imparting instruction, teaching and training in the Ayurvedic system of medicine;
- (4) “Ayurvedic system of medicine” means the Ashtang Ayurvedic system of Medicine including Nisargopachar system, whether supplemented or not by such modern advances as are consistent with the fundamental principles of Ayurved and as the University may from time to time prescribe;
- (5) “authorities” means the authorities of the University as specified by or under this Ordinance;
- (6) “National Statutory Council” means concerned councils constituted by the Central Government in the field of education in Ayurved and allied subjects,

- (7) "Council of Post-Graduate Studies and Research" means any post- graduate studies and research institution or department maintained by the University;
- (8) "Government" means the Government of Gujarat;
- (9) "officer" means the officers of the University as specified by or under the Ordinance,
- (10) "Academic Council" means the academic council of the University;
- (11) "Board of Governors" means the board of governors of the University,
- (12) "Finance Committee" means finance committee of the University;
- (13) "collaboration" means collaborative activities of the University with other Universities, academic institutions (includes local or national or international) research institutions or organization;
- (14) "Chancellor" and "Vice-Chancellor" means respectively, the Chancellor and the Vice-Chancellor of the University;
- (15) "Chairman" means the Chairman of the Board of Governors;
- (16) "Director" means the Director of the School of Post Graduate Studies and Research;
- (17) "University college" means a college which the University may establish or maintain under this Ordinance or a college transferred to and maintained by the University;
- (18) "University" means the Gujarat Ayurved University established and incorporate under this Ordinance;
- (19) "prescribed" means prescribed by the regulation;
- (20) "Registrar" means the Registrar of the University;



- (21) “college” means a college or an institution teaching courses leading to a Degree and/or a Diploma and/or a certificate;
- (22) “regulations” means regulations of the University;
- (23) “teacher” means full time approved Assistant Professors/Lecturers, Associate Professors/Readers or Professors and other persons teaching or giving instructions or conducting research on full time basis in affiliated colleges, institutions or approved institutions of the University;
- (24) “conducted college or school or institution” means a college, school or institution maintained and managed by the University;
- (25) “University teacher” means a teacher appointed by the University;
- (26) “Post-Graduate Department” means a department of higher learning research or specialized studies imparting post-graduate instruction or guidance for research recognised to be so by the University;
- (27) “Post-Graduate Centre” means a centre in the affiliated colleges as recognised as Post-Graduate Centre by the University for imparting post-graduate teaching in a manner as may be prescribed;
- (28) “Student of the University” means a person enrolled in the university for under going a course of study leading to degree, diploma, certificate or other academic distinctions of the University;
- (29) “school of Post-graduate studies and Research” means a School under which the post- graduate studies and research are conducted as determine under the Regulations.

## CHAPTER II THE UNIVERSITY

**3.     *Establishment and incorporation of University.***- (1) There shall be a University established by the name “The Gujarat Ayurved University”.

(2) The Chancellor, the Vice-Chancellor, the Board of Governors, the Academic Council, Council of Post-Graduate Studies and Research, the Directors, and all other persons who may hereafter become such officers or members of the authorities so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name “The Gujarat Ayurved University.”

(3) The University shall function as an affiliating and teaching University and it shall affiliate any college or institution for the courses leading to conferment of degrees, diplomas or grant certificate to the students admitted therein.

(4) The University shall have perpetual succession and common seal with power subject to the provisions of this Ordinance, to acquire and hold property, to contract and shall by the said name, sue and be sued.

**4.     *Headquarters of University.***- The headquarters of the University shall be at such place as the State Government may, by notification in the *Official Gazette*, specify.

**5.     *Objects of University.***- The objects of the University shall be to disseminate, create and preserve knowledge and understanding by teaching, research, extension in the field of Ayurved and allied subjects and in relation to the domain of Ayurved and allied subjects and such other related domain of Ayurved. The prime object of the University shall be to create centres and institutions of excellence in Ayurved and allied subjects in particular and other objects shall be as follows, namely:

- (i) to create institutions and centres of excellence for imparting state-of the arts education, training, instruction and conducting research in the field of Ayurved and allied subject;
- (ii) to create capabilities for advancement of knowledge, skill and competency at various levels;
- (iii) to create capabilities for upgrading the infrastructure of global standard for education, training and research in the areas related to Ayurved;
- (iv) to develop patterns of teaching and training at various levels of educational accomplishment so as to set high standards of education in Ayurved;
- (v) to function as a leading resource centre for knowledge management in the areas of Ayurved and allied subjects;
- (vi) to provide inter-relationship for national and global participation in the field of Ayurved;
- (vii) to establish close linkages with concern industry to make teaching, training and research at the university relevant to the needs of the society and national and global levels;
- (viii) to make such provisions as would enable affiliated colleges and institutions to undertake specialization of studies; and
- (ix) to establish, maintain or take over by agreement and manage colleges, departments, institutes and centres of research or specialised studies.

**6. *University open to all irrespective of sex, religion, class, creed or opinion.***- (1) No person shall be excluded from any office of the University or from membership of its authorities or bodies, committees or from admission to any degree, diploma, certificate or other academic distinction or course of study on the sole ground of sex, race, creed, cast, class, place of birth, religious belief or political or other opinion.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, cast, class, place of birth, religious belief or profession or political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma or any other academic distinction or to enjoy or exercise any privilege of the University or any benefication thereof.

(3) The University shall adopt the Government policy, orders and directions issued from time to time, in regard to the reservation for Scheduled castes, Scheduled tribes, other Backward Classes and any other reservation for appointments, admission of students, etc. in the affiliated colleges, University departments, or conducted colleges and institutions.

(4) Without prior approval of the State Government, the University shall not,

- (a) create any new posts of teachers, officers or other employees;
- (b) revise pay, allowances, post-retirement benefits and any other benefit of its teachers, officers and other employees;
- (c) divert any earmarked funds received for any purpose other than that for which it is received from the Government, University Grants Commission or any other statutory commission or bodies;
- (d) take any decision regarding affiliated colleges or institutions resulting in increased financial liability, direct or indirect for the Government:

Provided, that the University shall be competent to incur expenditure from the fund received from various sources, where no sharing or contribution from the Government, or the academic programmes or projects started on self-supporting basis.

**7. Powers and function of University.-** Subject to the provisions of this Ordinance, the University shall exercise following powers and perform the following functions, namely: -

- (i) to administer and manage the University and to establish such colleges, institutes and centres of research, education and instruction as are necessary for the furtherance of the objects of the University;
- (ii) to provide for instruction, training and research in such branches of knowledge or learning pertaining to Ayurved and allied subjects;
- (iii) to conduct innovative experiments in new methods and technologies in the field of Ayurved and allied subjects in order to achieve international standards of such education, training and research;
- (iv) to prescribe courses of studies and curricula and provide for flexibility in the education system and delivery methodologies;
- (v) to hold examinations and confer degrees, diplomas and grant certificates and other academic distinctions or titles on persons subject to such condition as the University may determine, and to withdraw or cancel any such degrees, diplomas, certificates or other academic distinctions or titles in the prescribed manner;
- (vi) to confer honorary degree or other distinctions in the prescribed manner;
- (vii) to establish such special centres, specialised study centres for research and instruction as in the opinion of the University for the furtherance of its objects;
- (viii) to provide for planning, reproduction and publication of research and other works and to organise exhibitions, workshops, seminars, conferences etc.;
- (ix) to sponsor and undertake research in all aspects of Ayurved and allied subjects and its management
- (x) to offer management development programmes for the Institutes of Ayurved and allied subjects;

- (xi) to collaborate or associate with, advise, administer, control, develop maintain any educational institutions with like or similar objects;
- (xii) to develop and maintain linkages with educational, research or other institutions in any part of the world having objects wholly or partly similar to those of the university, through exchange of teachers, scientists, researchers, students and scholars and generally in such manner as may be conducive to their common objects;
- (xiii) to regulate the expenditure, manage the finances and to maintain accounts of the university;
- (xiv) to receive grants, donations, subscription, subventions and gifts for the purpose of University and consistent with the objects of the University and to enter into any agreement with Central Government, State Government, the University Grants Commission or any concerned National statutory councils or bodies at central or state level for receiving any grants or funding;
- (xv) to receive fund from national and international organisations or any other sources as donation, gifts, benefactions, bequests by transfers of movable or immovable properties for the purposes and objects of the University;
- (xvi) to establish, maintain and manage for the residence of students and accommodation for teachers, officers and employees of the University;
- (xvii) to supervise and control of residence and regulate the discipline of students of the university and to make arrangements for promoting their health and general welfare and cultural activities;
- (xviii) to fix, demand, and receive or recover fees and such other charges as may be prescribed;
- (xix) to institute and award fellowships. Scholarships, prizes, medals and other awards;

- (xx) to purchase or to take on lease or accept as gifts or otherwise any land or building or works which may be necessary or convenient for the purpose of the University on such terms and conditions as it may think fit and to construct, alter and maintain any such buildings or works;
- (xxi) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms as it may think fit, consistent with the interest, activities and objects of the University with the previous sanction of the State Government;
- (xxii) to draw and accept, to make and endorse, discount and negotiate promissory notes, bills of exchange, cheques or other negotiable instruments;
- (xxiii) to raise and borrow money on bond, mortgage, promissory note or other obligations and securities founded or based upon all or any of the proprieties and assets of the University or without any securities on such terms and conditions as it may think fit and to pay out of the funds of the university, all expenses incidental to the raising of money, to repay and redeem any money borrowed with the previous sanction of the State Government;
- (xxiv) to invest the fund of the University in or upon such securities and transpose any investments from time to time in such manner as it may deem fit in the interest of the University;
- (xxv) to execute conveyance regarding transfer, mortgage, lease licenses, agreements and other conveyance in respect of the property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University with the previous sanction of the State Government;
- (xxvi) to admit the students for the courses offered by the University in the prescribed manner;

- (xxvii) to create academic, technical, administrative, ministerial and other posts with the previous sanction of the State Government and make appointments thereto;
- (xxviii) to regulate and enforce discipline among the officers and employees of the University and to provide for such disciplinary measures as may be prescribed;
- (xxix) to institute professorship, associate professorship/readership, assistant professorship/lectureship, endowed professorship, honorary professorship, adjunct professorship and any other teaching, academic or research posts and to prescribe qualifications for the persons to be appointed on such posts;
- (xxx) to recognise the institution as recognised institutions for the purpose of higher learning, research or specialised studies other than affiliated college or institution;
- (xxxi) to approve hospital, health centre or such other institution for practical training required by a course of study before the conferment of degree, diploma, certificate and other academic distinction;
- (xxxii) to prescribe code of conduct for the managements of the affiliated colleges, institutions, approved or recognised institutions,
- (xxxiii) to delegate all or any of its powers (except the powers to make regulations) to any other officers or authorities of the University; and
- (xxxiv) to do such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of all or any of the objects of the University.
- (xxxv) to undertake development programmes in Ayurved and allied subjects and research, consultancy- based projects and training programmes for outside agencies, by charging fees to generate resources; without diverting from the objects of the University.
- (xxxvi) To upgrade the skill and knowledge of teaching and non teaching staffs of the university colleges by developing a



mechanism for arranging induction training programmes, orientation programmes, refresher courses, etc.

- (xxxvii) To upgrade the skill and knowledge of teaching and non teaching staffs of the university colleges by developing a mechanism for arranging induction training programmes, orientation programmes, refresher courses, etc.

**8. *Jurisdiction of University.-***

- (1) The jurisdiction of the University shall extend to the whole of the State of Gujarat.
- (2) No college or institutions imparting education in different branches of Ayurved and allied subjects shall be associated in any way with or seek affiliation or admission to any privileges of any other University established by law.
- (3) Notwithstanding anything contained in any other State laws for the time being in force, the colleges or institutions as may be specified by the State Government, by notification, in the *Official Gazette* imparting education in the area of Ayurved either as affiliated or as constituent college or institution of any University established by law shall cease to impart such education from the date as specified under the above referred notification.:

Provided, that, the existing students admitted in such colleges or institutions prior to the issuance of the said notification shall complete their courses of studies under the existing University to which they are attached either as affiliated college or as constituent institute of any University.

- (4) The Government may at any time, by notification in the *Official Gazette*, transfer any Government colleges of Ayurved and allied subjects to the University on such terms and conditions as it may decide and from the date of such transfer

the said college or institution shall be a University college or institution.

- (5) The University may impose such terms and conditions upon the colleges or institutions as it may consider necessary, conducive or incidental to the attainment of all or any of the objects of the University.

**9. *Chancellor.-***

- (1) The Governor of the State of Gujarat shall be the Chancellor of the University.
- (2) The Chancellor shall, by virtue of his office, be the Head of the University and preside at any convocation of the University.
- (3) The Chancellor shall have such other powers as may be conferred on him by this Ordinance or the regulations.

**10. *Inspection and Inquiry.-***

- (1) The Chancellor shall have a right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, libraries and equipment of any college, institutions or centre maintained or affiliated to, the University, and also of the teaching and other work conducted by the University and of the conduct of examinations held by the University, college or institutions affiliated to the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the administration, academic affairs and finances of the University.
- (2) The Chancellor shall in every case give notice to the University of its intention to cause an inspection or an inquiry to be made and the University shall be entitled to be represented thereat.
- (3) The Chancellor shall communicate to the University his views with reference to results of such inspection or inquiry

and advise the University the action to be taken in the matter.

- (4) Where the University does not within the reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may issue such direction to the University as he thinks fit and the University shall comply with such direction.
- (5) The State Government may, whenever deems fit, cause a like inspection or inquiry to be made in the manner prescribed in sub-sections (1) to (3) and shall have, for the purposes of such inspection and inquiry, all the powers of the Chancellor under the said sub sections (1) to (3).

**11. Vice-Chancellor.-**

- (1) The Vice-Chancellor of the University shall be appointed by the Chancellor in consultation with the State Government from amongst three persons recommended under sub-section (3) by the committee appointed for the purpose under sub-section (2).

(2)

- (a) The Chancellor for the purpose of sub-section (1) shall appoint a Committee which shall consist of the following members, namely: -

- (i) two members to be appointed, one each by the Chancellor and the State Government who shall be eminent persons and educationalist in the field of Ayurved and allied subjects not connected with the University, college or any institution.
- (ii) one member to be nominated by the National Commission for Indian System of Medicine (NCISM); and

- (iii) one member to be nominated by the University Grants Commission;
- (b) The Chancellor shall appoint one of the members of the committee as its Chairman.
- (3) The committee so appointed under sub-section (2) shall within such time and in such manner as directed by the State Government, select three persons whom it considers fit for being appointed as a Vice-Chancellor and shall recommend to the State Government the names of the persons so selected together with such other particulars it deems fit.
- (4) The person to be appointed as Vice-Chancellor shall;
  - (i) be an eminent educationalist, scientist in the field of Ayurved and administrator having vision for the development of education and research development;
  - (ii) not have attained the age of 65 years on the date of nomination or re- nomination
- (5) The Vice-Chancellor shall hold office for a term of three years and shall be eligible for re-nomination on that office for a further term of three years only which shall be final term.
- (6) The emoluments and other terms and conditions for the Vice-Chancellor shall be such as may be determined by the State Government.
- (7) Whenever a temporary vacancy occurs in the office of the Vice-Chancellor and cannot be conveniently and expeditiously filled up in accordance with the provisions of sub-section (1), one of the Directors or in absence of the Director one of Principal nominated by the State Government shall carry on the current duties of the office of the Vice-Chancellor.
- (8) The Vice-Chancellor may resign from his office by writing under his hand addressed to the Chancellor and his resignation shall take effect from the date of acceptance by the Chancellor.

**12. Powers of Vice Chancellor.-**

- (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor, preside at any convocation of the University and shall preside at the meetings of the Board of Governors, Academic Council and the Finance Committee.
- (2) The Vice Chancellor shall ensure that the provisions of this Ordinance and the Regulations are faithfully observed and he shall have all necessary powers for this purpose.
- (3) The Vice-Chancellor shall:-
  - (i) exercise general supervision and control over the affairs of the University;
  - (ii) ensure implementation of the decisions of the authorities of the University;
  - (iii) be responsible for imparting of instruction and maintenance of discipline in the University; and
  - (iv) exercise such other powers and perform such other duties as may be assigned to him by or under this Ordinance or the Regulations or as may be delegated to him by the Board of Governors or the Chancellor.
- (4) In any emergency which, in the opinion of the Vice-Chancellor require that immediate action should be taken, he shall take such action as he deems fit and shall at the earliest opportunity thereafter furnish information about his action to such authority or body as would have in the ordinary course dealt with the matter:

Provided that if such authority or body is of the opinion that such action ought not to have been taken by the Vice-Chancellor, it may refer the matter to the Chancellor who may either confirm the action taken by the Vice Chancellor or annul the same or modify it in such manner as he thinks fit and thereupon it shall cease to have effect or as the case may be, shall take effect in such modified form, however,

such modification or annulment shall be without prejudice to the validity of anything previously done by or under the orders of the Vice- Chancellor.

- (5) Where the exercise of the powers by the Vice- Chancellor under sub-section (4) involves the appointment of any person, such appointment shall be confirmed by the competent authority empowered to approve such appointment in accordance with the provision of this Ordinance and the regulations not later than six months from the date of the order of the Vice-Chancellor, otherwise such appointment shall cease to have effect on the expiration of a period of six months from the date of the order of the Vice- Chancellor.

### **CHAPTER III**

#### **AUTHORITIES AND OFFICERS OF THE UNIVERSITY**

**13. *Authorities of University.***- The following shall be the authorities of the University, namely.-

- (i) The Board of Governors,
- (ii) The Academic Council,
- (iii) The Council of Post Graduate Studies and Research,
- (iv) The Finance Committee,
- (v) The Boards of Studies,
- (vi) The Board for Sports and Students' Welfare, and
- (vii) Such other Boards and bodies of the University as may be declared by the regulations to be the authorities of the University.

**14. *Officers of University.***- The following shall be the officers of the University, namely :-

- (i) The Chancellor,
- (ii) The Vice-Chancellor,

- (iii) The Registrar,
- (iv) The Director, School of Post-Graduate Studies and Research,  
and
- (v) Such other officers in the service of the University as may be  
declared by the regulations to be officers of the University.

**15. Board of Governors.-**

- (1) The Board of Governors shall be the supreme authority of  
the University.
- (2) The Board of Governors shall consist of the following  
members, namely :-
  - (i) the Vice-Chancellor, who shall be the Chairman of  
the Board of Governors,
  - (ii) the Director of School of Post-Graduate Studies and  
Research;
  - (iii) the Secretary to the Government, Health and Family  
Welfare Department;
  - (iv) the Secretary to the Government; Finance  
Department,
  - (v) the Secretary to the Government, Higher and  
Technical Education,
  - (vi) the Commissioner of Health, Medical Education  
and Medical Services, Gujarat State;
  - (vii) the Director, Institute of Teaching and Research in  
Ayurveda (ITRA) Gujarat State;
  - (viii) the Director of AYUSH, Gujarat State;
  - (ix) upto two Heads of University Departments  
nominated by the Board of Governors by rotation;
  - (x) three Principals of affiliated colleges to be  
nominated by the Board of Governors by rotation;

- (xi) two eminent academicians in the field of Ayurved to be nominated by the Board of Governors;
- (xii) upto three expert representing disciplines such as finance, legal, administration, humanities and management to be nominated by the board of governors;
- (xiii) one expert from Good Manufacturing Practices (GMP) certified Ayurved Drug Industries and,
- (xiv) one expert from the Institutes of Research and Development in the field of Ayurved and allied subjects to be nominated by the Board of Governors;
- (xv) the Registrar, who shall be the Secretary to the Board of Governors:  
Provided that the nominated members shall continue for period of three years from the date of the nomination

**16. *Powers of Chairman.-***

- (1) The Vice-Chancellor shall be the Chairman and shall preside at the meetings of the Board of Governors.
- (2) The Chairman shall exercise such other powers and perform such other functions as may be assigned to him by or under this Ordinance or the regulations.

**17. *Powers and functions of Board of Governors.-***

- (1) Subject to the provisions of this Act, the Board of Governors shall be responsible for the general superintendence, direction and the control of the affairs of the University and shall exercise all the powers of the University, and shall have the power to review the acts of the Academic Council and the Finance Committee and other committees or authorities constituted by the University



(2) Without prejudice to the provisions of sub-section (1), the Board of Governors shall have the following powers and functions, namely: -

- (i) to take decision on question of policy relating to the administration and working of the University;
- (ii) to institute courses of study at the University,
- (iii) to make regulations;
- (iv) to consider and approve Annual Report and Annual Budget, annual accounts with balance sheet of the University for every financial year,
- (v) to invest money and funds of the University and to take decision on the recommendations of the Finance Committee,
- (vi) to finance and publish the publication of studies, treaties, books, periodicals, reports and other literature from time to time and to sale or arrange for the sale as it may deem fit,
- (vii) to create or abolish posts of teachers, officers and employees of the University,
- (viii) to appoint such committees as it considers necessary for the exercise of powers and the performance of its duties under this Ordinance,
- (ix) to appoint directors of the schools, department or Institute of studies of the University,
- (x) to delegate any of its powers to the Directors, Registrar or any other officers, employees or any authority of the University or to the committee appointed by it,
- (xi) to upgrade the skill and knowledge of teaching and non-teaching staffs of the university colleges by developing a mechanism for arranging induction training programme, orientation, refresher courses, etc. as prescribed, and

- (xii) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by or under this Act or the Regulations, and such other powers for achieving the objects of the University.

**18. *Term of office and vacancies among members of Board of Governors.-***

- (1) Save as otherwise provided in this section, the term of a nominated member of the Board of Governors shall be three years from the date of nomination.
- (2) The *ex-officio* member shall continue to be a member so long as he holds the office by virtue of which he is the member of the Board of Governors.
- (3) Any vacancy in the Board of Governors occurring before the next reconstruction or before the expiry of the prescribed period shall be filled in the same manner as prescribed in section 15 and such a member shall hold office for the remainder of the term of the member in whose place he is nominated.
- (4) A member shall be eligible for re-nomination for the next term.
- (5) A member may resign from his office by writing under his hand addressed to the Chairman and his resignation shall take effect from the date it is accepted by the Chairman.

**19. *Academic Council.-***

- (1) The Academic Council shall consist of the following members:-
  - (i) The Vice-Chancellor shall be the chairman;
  - (ii) Two academicians to be nominated by the Board of Governors.

- (iii) Two experts in Ayurved, having special knowledge and experience in the field of education and research to be nominated by the Board of Governors.
- (iv) Three chairman of the Board of Studies from clinical subject to be nominated by the Board of Governors.
- (v) Three chairman of the board of Studies from non-clinical subject to be nominated by the Board of Governors
- (vi) The director of school of post graduate studies and research
- (vii) Upto three academic heads of Post Graduate department to be nominated by the Vice-Chancellor by rotation.
- (viii) Upto two principals of the affiliated collages by rotation to be nominated by the Vice-Chancellor.
- (ix) One professor or associate professor/reader or assistant professor/lecturer having ten years' experience in Academic field from any discipline of the University by rotation to be nominated by the Vice-Chancellor:

Provided, however, where three or more professors or associate professors / readers are available such nominations be made from that category only.

(2) The Registrar shall be the secretary of the council.

(3) The term of the nominated members shall be three years.

**20. Powers and functions of Academic Council.-**

The Academic Council shall exercises following powers and perform the following functions, namely:

- (i) to exercise control over the academic policies of the university and shall be responsible for the maintenance and the improvement of standards of instruction, education

evaluation, and research.

- (ii) to consider the matters of general academic interest either on its own initiative or on reference from the Board of Studies or the Council of Post-Graduate Studies and Research and to take appropriate actions there on.
- (iii) to recommend to the Board of Governors such regulations as are consistence with this Ordinance regarding the academic functioning of the university including discipline of the students.
- (iv) no academic programme, curriculum, syllables, or method of instructions shall be implemented without the approval of the Academic Council and,
- (v) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the regulations.

**21. *Council of Post-graduate Studies and Research.-***

(1) The Council of Post-Graduate Studies and Research shall consist of the following members, namely:-

- (i) the Vice-Chancellor;
- (ii) Three head of Department of Post-Graduate Section of University by rotation;
- (iii) One member nominated by the Board of Governors from amongst fix members, who are pursuing Post-Graduate qualification in Ayurved;
- (iv) Director of School of Post Graduate Studies and Research;
- (v) Three Senior professor in Post Graduate teaching to be nominated by Vice-Chancellor;
- (vi) Three Professors or Associate Professors/Readers or Assistant Professors/Lecturers, who are recognise for

guiding research leading to Ph.D. Two outside academician who have been conducting research or heading any research in any laminating institute outside the University.

- (2) The term of the members of the Council of Post-Graduate Studies and Research shall be three years.

**22. Powers and functions of the Council of Post-graduate Studies and**

**Research.-** Subject to the provisions of this Ordinance and the regulations, the Council of Post-Graduate Studies and Research shall exercise following powers and perform the following functions, namely:

- (i) to exercise control over the academic policy of Post-Graduate Teaching and Research and shall be responsible for the maintenance of standards and quality of Post-Graduate Teaching and Research in different fields of Ayurved.
- (ii) to organize and co-ordinate the post graduate instruction, teaching and training in the University area;
- (iii) to deal with all matters relating to post-graduate instruction, training and research in the various subjects taught in the university or in which training is given research conducted;
- (iv) to report to the Board of Governors on all matters referred to it by either of them;
- (v) to recommend to the Board of Governors the names of teachers in faculties to be recognised as University teachers for post-graduate instruction or guidance in research;
- (vi) to lay down conditions under which post-graduate students should work;
- (vii) to recommend to the Board of Governors the names of suitable persons as referees for examining the thesis submitted by students;
- (viii) to exercise such other powers and discharge such duties as may be provided for by regulations; and,
- (ix) generally, to advise on all academic matters falling within its purview.

**23. Finance Committee.-**

- (1) The Finance Committee shall consist of the following members, namely: -
  - (i) The Vice-Chancellor, who shall be the Chairman of the Committee,
  - (ii) one member of the Board of Governors, to be nominated by the Board of Governors;
  - (iii) one Director, by rotation, to be nominated by the Vice-Chancellor and
  - (iv) One expert in the field of finance, to be nominated by the Board of Governors.
- (2) The Registrar shall be the Secretary of the Committee.
- (3) The term of the office of the nominated member shall be for three years.

**24. Powers and functions of Finance Committee.-** Subject to the other provisions of this Ordinance, the Finance Committee shall exercise the following powers and perform the following functions, namely:

- (i) to examine the annual accounts and annual budget estimates of the University and to advise the Board of Governors thereon,
- (ii) to review from time to time, the financial position of the University,
- (iii) to make recommendations to the Board of Governors on all proposals involving raising of funds, receipts and expenditure,
- (iv) to provide guidelines for investment of surplus fund,
- (v) to make recommendations to the Board of Governors on all financial policy matters of the University,
- (vi) to make recommendations to the Board of Governors on all proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget needs to be incurred,

- (vii) to examine all proposals relating to the revision of pay-scales, up-gradation of the pay-scales and those items which are not included in the budget prior to placing before the Board of Governors, and
- (viii) to exercise such other powers and perform such other functions as may be conferred or imposed upon by the regulations.

**25. Board of studies.-**

- (1) There shall be a Board of Studies for every subject or group of subjects as may be prescribed by the regulations.
- (2) The constitution, powers and duties of the Boards of Studies shall be as may be prescribed by the regulations.

**26. Board for sports and students' welfare and other boards.-**

- (1) The University shall establish a Board of Sports and Students' Welfare and such other Boards as may be prescribed by the regulations.
- (2) The constitution, powers and duties of the Boards established under sub-section (1) shall be as may be prescribed by the regulations.

**27. Other university bodies-** The constitution, powers and duties of such other bodies as may be declared by the regulations to be the authorities of the University shall be as prescribed.

**28. Committees.-** All the authorities of the University shall have power to appoint committees. Such committees may include persons who are not members of the authority appointing the committee.

**29. Registrar.-**

- (1) The Registrar shall be appointed by the University in such manner and on such terms and conditions as may be prescribed.

## (2) The Registrar shall:-

- (i) be responsible for the custody of records, common seal, funds of the University and such other properties of the University.
- (ii) place before the Board of Governors and other authorities of the University all such information and documents as may be necessary for transaction of the business,
- (iii) be responsible to the Vice-Chancellor for the proper discharge of his function,
- (iv) be responsible for the administration and services of the University and conduct of the examinations and make all other arrangements necessary thereof and be responsible for the execution of all processes connected therewith,
- (v) attest and execute all documents on behalf of the University verify and sign the pleadings in all suits and other legal proceedings by or against the University and all processes in such suits and proceedings shall be issued to and served on the Registrar, and;
- (vi) exercise such other powers and perform such other duties as may be assigned to him by or under this Ordinance, the regulations or as may be delegated to him by the Board of Governors or by the Vice-Chancellor.



**CHAPTER IV**  
**AFFILIATION, RECOGNITION AND APPROVAL**

**30. *Affiliation.-***

- (1) A college or institution applying for affiliation to the University shall submit an application to the Registrar one year prior to the proposed date of starting the college or institution:

Provided that on the recommendation of the Vice-Chancellor, the Board of Governors may, if it is satisfied that there are special reasons to do so, after recording such reasons, entertain an application for affiliation not submitted to the Registrar within the aforesaid period.

- (2) Any college or Institution applying for affiliation shall apply in such form, along with such fees and details, in such manner and shall fulfil such norms and criteria as may be prescribed before applying for affiliation.
- (3) On receipt of an application made under sub-section (1), the Board of Governors shall, in consultation with the Academic Council and after giving to the college or the institution an opportunity of stating its case, determine whether the college shall supply a need in the locality, having regard to the type of education intended to be provided by the college or the institution, the existing provision for the same type of education made by other college or the institution in the neighborhood and the suitability of the locality where the college or institution is to be established and comply with the provisions of this Ordinance and the regulations, record its opinion as to whether the application should be granted or refused either in whole or in part and communicate the decision to the college or institution.

- (4) When an application for affiliation or any part thereof is granted, the order of the Board of Governors shall specify the courses of the instruction in respect of which the college or institution is affiliated and where the application or any part thereof is refused, the grounds of such refusal shall be recorded and shall be communicated to the college or institution.
- (5) Any college or institution not satisfied arrived by the decision of the Board of Governors under sub-section (4), may prefer an appeal to the State Government within thirty days from the date of communication of such decision and the decision of the State Government on such appeal shall be final.
- (6) Notwithstanding contained anything in this section, such affiliation shall be subject to the previous approval of the concerned National Statutory Council and subject to strictly follow the norms as prescribed by such council.

**31. *Extension of affiliation.-*** When affiliated college or Institution desires to add to the courses of Instruction in respect of which it is affiliated, the procedure prescribed under section 31 shall as far as possible be followed.

**32. *Inspection of colleges and report.-*** (1) Every Affiliated College and institution shall furnish such reports returns and other information as the Board of Governors after consulting the Academic Council may require in order to judge the efficiency of such college or institution.

(2) The Board of Governors shall cause every such college or institution to be inspected from time to time by the Inspection committee as constituted by the Vice-Chancellor.

(3) It shall be the duty of the Inspection Committee on the direction by the Board of Governors in this behalf, to inspect an affiliated college or institution and make a report to the Board of Governors.

(4) The Board of Governors may call upon the college or institution so inspected, take, within a specified period, such action as may appear to it to be needed in respect of any of the matters referred to in section 31.

**33. *Withdrawal of affiliation.***- (1) The rights conferred on a college by affiliation may be withdrawn in whole or in part or modified if the college or institution has failed to carry out any of the provisions of section 31 or the regulations or has failed to observe any of the conditions of the affiliation and the norms fixed by the concerned National Statutory Council or the college or institution is conducted in a manner which is prejudicial to the interests of education. Such motion can be Initiated only in the Board of Governors. The member of the Board of Governors who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.

(2) Before taking such motion into consideration, the Board of Governors shall send a copy of the notice and written statement referred to in sub-section (1), to the Principal or, as the case may be, the Head of the college/institution concerned, together with intimation that an representation in writing submitted within a period specified in such intimation on behalf of the college shall be considered:

Provided that the period so specified may, if needed, be extended by the Board of Governors.

(3) On receipt of the representation or on expiry of the period referred to in sub-section (2), the Board of Governors after considering the notice of motion, statement and representation, and after such inspection, by the competent person or persons authorised by the Board of Governors in this behalf, and such further inquiry as may appear to it to be necessary by a resolution on the grounds stated therein, withdraw in whole or in part, or modify, the rights conferred by the affiliation and shall communicate to the concerned college or the institution:

Provided that where the views of the Academic Council with regard to the withdrawal or modification of the right conferred by affiliated college are not acceptable to the Board of Governors. It shall, before passing such resolution, refer the matter again to the Academic Council with its comments and the Academic Council shall communicate again its views in the matter to the Board of Governors.

**34. *Appeal against withdrawal of affiliation.***- Any college or Institution aggrieved by the resolution withdrawing wholly or partly or modifying the rights conferred by affiliation passed under sub-section (4) of section 34, may prefer an appeal to the State Government within thirty days from the date of communication of the resolution and the decision of the State Government on such appeal shall be final.

**35. *Withholding or reduction of grant to an affiliated college.***- The Board of Governors may, on recommendations of the Academic Council and Council of Post-graduate studies and research, recommend to the State Government withholding or reduction of grant to an affiliated college or institution which on a report by the Inspection Committee or otherwise, is found to be making persistent default in carrying out the conditions of affiliation.

## CHAPTER V

### POST-GRADUATE TEACHING AND RESEARCH

**36. *Post-graduate teaching and research.***- (1) All post-graduate instruction, teaching, research and training shall be conducted by the University or by such affiliated colleges or institutions and in such subjects as may be prescribed by the regulations.

(2) All post-graduate departments shall ordinarily be located at the headquarters of the University. However, the University may locate any of such departments at a place or places outside its headquarters.

(3) The University may maintain University centres at places other than the headquarters of the University on such terms and conditions as may be prescribed by the regulations.

**37. *Qualifications for enrolment of students of University.***- No student shall be enrolled as a student of the University unless he possesses such qualifications as may be prescribed by the regulations.

**38. *Degrees, diploma and other academic distinctions.***- The Board of Governors may institute and confer such degrees, diplomas and other academic distinctions as may be prescribed by the regulations.

**39. *Honorary Degree.***- If not less than two-thirds of the members of the Board of Governors recommend that an honorary degree, or other academic distinction be conferred on any person on the ground that he is in their opinion, by reason of eminent position and attainments a fit and proper person to receive such degree or other academic distinction and where their recommendation is supported by a majority of not less than two-thirds of the members of the Board of Governors present at a meeting of the Board of Governors, such majority comprising not less than one-half of the members of the Board of Governors and the recommendation is confirmed by the Chancellor, the Board of Governors may confer on such person the honorary degree or other academic distinction so recommended without requiring him to undergo any examination.

**40. *Removal of membership of University and withdrawal of degree or diploma.***- (1) The Chancellor may, on the recommendation of the Board of Governors and supported by a majority of not less than two-thirds of the members of each body present at its meeting, such majority comprising not less than one half of the members of each body, remove the name of any person from the register of graduates or withdraw from any person a diploma or degree if he has been convicted by a court of law of any offence which in the opinion of the Board of Governors, is a serious offence involving moral turpitude or if he has been guilty of scandalous conduct.

(2) No action under this section shall be taken unless the person concerned is given an opportunity to be heard in his defence in the manner prescribed by the regulations.

**CHAPTER VI**  
**SUPPLEMENTARY PROVISIONS**

**41. *Fund of University.***- (1) The University shall establish, a fund to be called the University Fund consisting of:-

- (i) any contribution or grant or loan by the State Government and the Central Government,
- (ii) the income of the University from all sources including income from the fees and charges,
- (iii) bequest, donations, gifts, endowments and other grants, if any,
- (iv) the money received by the University from the collaborating organisation or industry in terms of the provisions of the Memorandum of Understanding between these two for establishment of sponsored chairs, fellowship and infrastructure facilities of the University.

(2) All funds of the University shall be deposited in such Banks or invested in such manner as the Board of Governors may decide on the recommendations of the Finance Committee.

(3) The funds of the University shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers a discharge of its functions by or under this Ordinance.

**42. *Accounts and audit.***- (1) The University shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including income and expenditure account and the balance sheet in such form and in such manner as may be prescribed.

(2) The University shall adopt a proper system of internal checks and balances and controls in the discharge of its financial, accounting and auditing functions as may be prescribed.

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of 1949.

(3) The accounts of the University shall be audited every year by an auditor, who shall be the Chartered Accountant, as defined in the Chartered Accountant Act, 1949 or a firm of Chartered Accountant to be appointed by the Board of Governor.

(4) The accounts of the University certified by the Chartered Accountant or firm appointed or any other person authorised in this behalf, together with audit report thereon shall be placed before the Board of Governors and the Board of Governors may issue such instructions to the University in respect thereof as it deems fit and the University shall comply with such instructions.

(5) An internal auditor shall audit the accounts of the University to ensure concurrent audit of all book of accounts and such periodical internal report shall be placed before the Board of Governors for review.

**43. Submission of annual report.-** (1) The University shall prepare for each financial year an annual report containing such particulars as the Board of Governors may specify and shall submit to the Board of Governors on or before such date as may be prescribed. The Board of Governors shall consider such report and may pass resolution thereon and thereupon the Finance Committee shall take action in accordance with such resolution and if no action is taken, the reasons for taking no action shall be communicated to the Board of Governors.

(2) The copy of the Annual Report along with the resolution of the Board of Governors thereon shall be submitted to the State Government.

**44. Pension and Provident Fund and insurance.-** (1) The University shall, with the approval of the Board of Governors, constitute for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions as may be prescribed, such schemes of pension, provident fund, insurance as it may deem fit, and also aid in establishment and support of the associations, funds, trusts and conveyance calculated to benefit of the officers, teachers employees of the University.

(2) Where any such provident fund has been so constituted, the provision for the Provident Fund Act, 1925 shall apply to such fund as if it is a Government Provident Fund.

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1925.**

**45. *Acts and proceedings not to be invalidated by vacancies.***- No act or proceedings of the Board of Governors or any authority of the University or any Committee constituted under this Ordinance or by regulations shall be questioned on the Ground merely of the existence of any vacancy in or defect of, in the constitution of such Board of Governors, authority or committee of the University.

**46. *Conferment of degrees, diplomas and grant of certificates by University.***- Notwithstanding anything contained in any other State law for the time being in force, the University shall have powers to confer degrees, diplomas and grant certificates and confer honorary degrees and other academic distinctions and titles as approved by the Board of Governors.

**47. *Returns and information.***- The University shall furnish to the State Government, University Grants commission, National Statutory Bodies concerned, such reports, returns, statements, documents and other information, as may be required by them from time to time.

**48. *Officers and employees to be public servants.***- Every officers, teachers and other employees of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal code.

**XXXXV  
of 1860.**

*Explanation:-* For the purpose of this section, any person who is appointed by the University for a specified period or a specified work of the University or who receive any remuneration by the way of compensatory allowance or fee for any work done from the University fund shall be deemed to be an officer or employee of the University while he is performing the duties and functions connected with such appointment or work.



**49. Dismissal, removal, reduction and termination of service of staff of University.-** (1) No officer or employee or member of teaching, non-teaching and other academic staff of the University shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges:

Provided that nothing in this section shall apply to any person who is appointed on purely temporary basis only.

(2) An appeal against an order of dismissal, removal or reduction in rank under sub-section (1) or of termination of service shall lie to the Vice-Chancellor or when the Vice-Chancellor has passed for such penalty, to the Board of Governors within thirty days from the date of communication of such order and the decision of the Vice-Chancellor or the Board of Governors, as the case may be, shall be final.

**50. Power of State Government to give directions.-** The State Government shall have powers to issue directions from time to time as may be required for compliance of the provisions of this Ordinance, the regulations and under any other law for the time being in force and the University shall comply with such direction.

**51. Power to make regulations.-** Subject to the provision of this Ordinance, the Board of Governors shall have in addition to all other powers vested in it, the powers to make regulations to provide for administration and management of the affairs of the University.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely: -

- (i) the summoning and holding of the meetings of the authorities of the University, other than the first meeting of the Board of Governors and the quorum and conduct of business at such meetings;

- (ii) the powers and functions to be exercised and discharged by the Vice-Chancellor as the Chairman;
- (iii) the constitution, powers and duties of the authorities, bodies and other committees of the University, the qualifications and disqualifications for membership of such authorities of such authorities, term of office of the membership, appointment and the removal of members thereof and other matters connected therewith;
- (iv) the procedure to be followed by the Board of Governors and any committee or the other body constituted under this Ordinance or by the regulations in the conduct of its business, exercise of the powers and discharge of its function;
- (v) the procedure and the criteria to be followed in establishment of courses of study and admission of the students;
- (vi) the procedure to be followed for enforcing discipline in the University
- (vii) the management of properties of the University;
- (viii) the diplomas, the degree, the certificates and other academic distinctions and titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas certificates and other distinctions and other titles and the requirement thereof, including procedure to be followed;
- (ix) the conduct of examinations including the terms of office and appointment of examination;
- (x) the creation of the posts of directors, professors, associate professors, assistant professors or equivalent academic designations or posts, officers and employees of the University and the appointment of persons to such posts including the qualifications requisite thereof;

- (xi) the fees and other charges, which may be paid to the University for the courses, training, facilities and services provided by it;
- (xii) the manner and conditions for constitution of insurance, provident fund, pension and such other schemes for the benefits of officers, employees and staff of the University;
- (xiii) the terms and conditions for associations of the University with other institutions or organisations;
- (xiv) the preparation of the budget estimates and maintenance of accounts;
- (xv) the model of executing of contracts or agreements by or on behalf of the University;
- (xvi) the classification and procedure for appointment of officers, employees and staff of the University;
- (xvii) the terms and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Vice-Chancellor, Director, other officers, teachers and employees of the University;
- (xviii) the terms and conditions governing deputation of teachers, officers, employees of the University;
- (xix) the powers and duties of the Vice-Chancellor, Director and other officers, teachers and employees of the University;
- (xx) the terms and conditions governing fellowships, scholarships, stipends, medals and prizes;
- (xxi) the authentication of the orders and the decisions of the Board of Governors;
- (xxii) the matter relating to the hostels and housing for the teachers, officers and employees of the University including the disciplinary control therein;
- (xxiii) the powers to be exercised and functions to be performed by different committees, officers, directors and other employees of the University; and

(xxiv) all matters which by this Ordinance are to be or may be prescribed.

**52. Indemnity.-** No suit, prosecutions or other legal proceedings shall lie against and no damage shall be claimed from the University, the Vice-Chancellor, the Director, the authorities or officers or employees of the University or any person in respect of anything which is done in good faith or purporting to be done in pursuance of this Ordinance or any regulations made thereunder.

**53. Power to remove difficulties.-** (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, by an order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Ordinance, as appears to be necessary or expedient for removing the difficulties:

Provided that no order under sub-section (1) shall be made after the expiry of two years from the date of commencement of this Ordinance.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

## CHAPTER VII

### TRANSITORY PROVISIONS

**54. Transitory provisions.-** On and from the commence of this Ordinance, all the affiliated colleges, recognised institutions, approved institutions, if any, shall continue to enjoy all privileges associated with them under the provisions of the Gujarat Ayurved University Act, 1965, statutes, ordinances, etc. made thereunder.

Notwithstanding anything contained in this Ordinance, the Vice-Chancellor of the University shall exercise all the powers of the authorities of the University as defined under section 13, for the period of six months or the authorities regularly constituted, whichever is earlier.

Till the time, the Vice-Chancellor under the Gujarat Ayurved University Ordinance, 2020, is appointed, the existing Vice-Chancellor appointed under the Gujarat Ayurved University Act, 1965 shall continue to the expiry date of his existing term of appointment.

Guj. Ord. 12  
of 2020.

Guj. 40 of  
1965.

However, when the powers of the Board of Governors are exercised by the Vice-Chancellor, the same shall be done with the prior approval of the State Government.

### CHAPTER VIII

#### REPEAL AND SAVING

Guj. 40 of  
1965.

**55. *Repeal and saving.***- (1) On and from the commencement of Ordinance, the Gujarat Ayurved University Act, 1965 shall stand repealed.

Repeal  
and  
saving.

(2) Notwithstanding such repeal of the said Act, anything done or any action taken (including any rule or order made, notification issued or appointment made) by or under that Act shall, in so far as it is not inconsistent with the provisions of this Ordinance, be deemed to have been done or taken by or under this Ordinance and shall continue to be in force until superseded by anything done or any action taken under the provisions of this Ordinance.

**S T A T E M E N T**

During recent past, Gujarat has been the proud witness to the declaration of three of the premier Ayurveda institutes like Institute of Post Graduate Teaching and Research in Ayurveda, Jamnagar; Shree Gulabkunverba Ayurved Mahavidyalaya, Jamnagar and the Indian Institute of Ayurvedic Pharmaceutical Sciences, Jamnagar being declared Institutes of National Importance under section 2 of the Institute of Teaching and Research in Ayurveda Act, 2020 by the Parliament.

Feeling inspired and encouraged by the above declaration contained in the Act of Parliament, the State Government has taken up the task of up-gradation of the teachings in Ayurveda and bringing professionalism in management of the institutes and colleges imparting the ancient knowledge of Ayurveda as propounded by the *Atharva-Veda* and the *Maharshi Charak* along with innumerable known or unknown *rishis* so that the said institutes and the colleges scale new heights in dissemination of knowledge among the people of the State as well as the country.

For this purpose, it is found necessary that the new teaching methods by in-depth research in the Ayurvedic System of Medicine may be evolved by fast-tracking the teaching and the management systems of the present institutes and colleges so that Ayurveda System becomes a common medical system along with the Allopathic, Homoeopathic systems of medicine.

The State Government has therefore, taken the call and has found it fit to repeal the existing Gujarat Ayurved University Act, 1965 (Guj. 40 of 1965) and re-enact the same in the new dynamic format by doing away certain processes that consume more time and include therein a new system of governance of Ayurved University and colleges.

As the Legislative Assembly of the State of Gujarat is not in session, this Ordinance is promulgated to achieve the aforesaid objects.

Gandhinagar.

Dated the 9<sup>th</sup> November, 2020.

**ACHARYA DEVVRAT,**

Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

**DR. JAYANTI S. RAVI,**

Principal Secretary to Government.

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